

**RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE**

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 6
Application No: 14/00734/MFUL
Parish: Gilling East Parish Council
Appn. Type: Full Application Major
Applicant: Mr Ian Mosey
Proposal: Establishment of a farmstead to include erection of a four bedroom agricultural workers dwelling with detached double garage/store with room above, erection of cattle shed and machinery/feed store and excavation of an attenuation basin/pond, formation of stoned area for external feed storage and vehicular access and landscaping with use of the existing general purpose agricultural building to include for livestock housing
Location: OS Field No 1811 Cawton Road Gilling East Helmsley

Registration Date: 8 July 2014 **8/13 Week Expiry Date:** 7 October 2014
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

Parish Council	Concerns expressed re: outside development limits size of dwelling and traffic volumes
Property Management	No views received to date
Highways North Yorkshire	No Objection - Recommends Conditions
Howardian Hills AONB JC	Significant concerns about the scale of the development
Tree & Landscape Officer	Recommend conditions
Countryside Officer	Comments Made
Environmental Health Officer	No comments to make
Land Use Planning	No views received to date
Vale Of Pickering Internal Drainage Boards	No objection

Neighbour responses: Ms Louise Legard,L J Beavan,

Overall Expiry Date: 2 October 2014

SITE:

The proposed site is located approximately 0.6km to the east of the village of Gilling East, within the open countryside of the Howardian Hills Area of Outstanding Natural Beauty. It is associated with the relocation of the existing farmstead rented by the applicant situated at Ampleforth. The proposal is to construct a detached agricultural worker's dwelling, a detached double garage with additional storage, and two agricultural buildings for the housing of cattle and the storage of machinery and feed with related access and landscaping.

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The application site currently consists of a large agricultural building, approved under agricultural notification ref. 13/00088/AGNOT (revised details to 09/01275/AGNOT) and a modest traditional brick built agricultural building.

PROPOSAL:

Planning permission is sought for the establishment of a farmstead to include erection of a substantial four bedroom agricultural workers dwelling with detached double garage/store with room above, erection of cattle shed and machinery/feed store and excavation of an attenuation basin/pond, formation of stoned area for external feed storage & vehicular access and landscaping.

The main components of the proposal consist of the following:-

- **Farmhouse:** An 'L' shaped 2-storey pitched roof dwelling, that will have a footprint which will measure 8.7m by 14.0m and be 9.3m at its ridge height to the main part of the dwelling. The 2-storey projection will measure 10.65m by 4.7m and be 6.9m at its ridge height, for the majority of the projection.
- **Garage/Store/Plant Room and Stable:** An 'L' shaped building with a first floor store area. The building will have a footprint approximately measuring 11.60m by 13.96m and 6.2m at its ridge height.
- **Cattle Shed:** A pitched roof blockwork and profiled sheeting building with a footprint of 31m by 22.8m and 7.0m at the eaves, 9.8m at its ridge height.
- **New Machine/Feed Store:** A pitched roof block and profiled sheeting building with a footprint of 31m by 22.8m with a ridge height to eaves of 6.9m and ridge of 9.8m.

HISTORY:

09/01275/AGNOT – Determined - Erection of a general purpose agricultural storage building.

13/00088/AGNOT – Determined - Erection of a general purpose agricultural storage building.

14/00186/PREAPP - Construction of 2no. agricultural buildings and associated agricultural workers dwelling including detached garage with related access and landscaping.

POLICY:

National Planning Policy Guidance

National Planning Policy Framework
National Planning Practise Guidance

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP13 – Landscapes
Policy SP14 - Biodiversity
Policy SP16 - Design
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues
Policy SP21 – Occupancy Restrictions

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APPRAISAL:

Members will note that to date 3 no. letters of objection have been received to this application. In addition, Gilling East with Cawton, Coulton and Grimstone Parish Council have expressed concerns to the planning application by stating:

“Councillors expressed concerns that the development was outside the residential footprint of the village and that the size of the property is excessive to the listed welfare needs of agricultural site provision. They expressed concern regarding traffic volumes in respect to the current road conditions and the impact on the junction from Cawton Road and Main Street considering recent issues with traffic problems. The Council also wished to note that the property plan as currently leaves scope for further development which could have an environmental impact over and above the economic gain stated within these statements.”

The main considerations in the assessment of this application are:

- i) The principle of the development
- ii) Impact on the AONB
- iii) Residential Amenity
- iv) Highway Considerations
- v) Tree and Landscaping
- vi) Ecology

i) The principle of the development

The applicant operates a large animal and pig finishing business in Ryedale. The backbone of the business is the land farmed around Gilling East and Ampleforth, which totals approximately 1,450 acres. Of this, c600 acres are owned by the applicant. The remaining c850 acres are rented on a Farm Business Tenancy and located around Ampleforth College.

The background for the planning application can be found within the ‘Planning Justification and Agricultural Appraisal’ submitted in support of the proposal. This identifies that to date, calving of the suckler cattle and the lambing of the sheep has taken place in rented buildings close to Ampleforth College. However, the applicant claims that these buildings have a comprised layout and are nearing the end of their lifespan with no expected future landlord investment in relation to upgrading or their replacement. Further, it is identified that the land at Ampleforth only has 8 to 9 years remaining on its tenancy. It is stated that the applicant *“cannot justify investing in new buildings on this land, due to the uncertainty caused by the end of the agreement. Whilst it is hoped that the tenancy will be made available to the Mosey family again, this cannot be guaranteed”*. The applicant also states that there is lack of farm workers accommodation close to the Ampleforth College Farm which results in poor accessibility and a lack of security.

A functional test is necessary 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.

Para 55 of the National Planning Policy (NPPF) states that Local Planning Authorities should avoid new isolated homes unless there are special circumstances. One such circumstance is *‘the essential need for a rural worker to live permanently at or near their place of work in the countryside.’* The NPPF does not include any clarification of how such need should be demonstrated. However it is considered that guidance can be taken from the now superseded Planning Policy Statement 7, Annex A. The recent decision of a Planning Inspector in Ryedale in considering planning application ref. 12/00331/FUL (appeal ref. APP/Y2736/A/13/2197766) confirms this:

“7. *No definition of ‘essential’ is given in the Framework, but the main parties agreed that the functional and financial tests set out in the Annex to the now superseded PPG7: Sustainable Development in Rural Areas form a reasonable basis for such an assessment. The functional test establishes whether the enterprise whether the need for a full time worker to live at the site can be justified for the proper functioning of the enterprise, and the financial test addresses the viability of the enterprise and whether it can sustain the cost of the dwelling. If this is not the case then the development cannot be said to be sustainable; promoting sustainable development (economic, social and environmental) is ‘golden thread’ which runs through the Framework.*”

The comments of the Planning Inspector clearly state that both the functional need and financial test are key to identifying the sustainability of the proposed development. If the functional need or the financial viability of the enterprise cannot be demonstrated then it cannot be said that the development is sustainable and would therefore be contrary to the requirements of the Framework.

If the proposal fails to satisfy the NPPF’s requirement to prove ‘essential need’, the proposal would also fail to satisfy Policy SP2 (Delivery and Distribution of New Housing) of the Ryedale Local Plan Strategy which in the wider open countryside supports "new building dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified...”

The tests from the former PPS7 Annex A in relation to agricultural workers dwellings are as follows:

- i) there is a clearly established *existing* functional need;
- ii) the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (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 planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

The guidance in PPS7 indicates that agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.

In light of the special circumstances surrounding this application, the Local Planning Authority has sought the professional advice of an independent agricultural assessor. It is expected that the independent report will be available to provide to Members at the late pages.

The impact upon the special qualities of the Howardian Hills Area of Outstanding Natural Beauty

The Countryside and Rights of Way Act (2000) states that Local Authorities should have:

Regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

The NPPF reflects the requirements of the Country and Rights of Way Act (2000) by stating:

115. *Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.*

The Howardian Hills Area of Outstanding Natural Beauty Management Plan 2014 – 2019 outlines the special qualities of the Howardian Hills Area of Outstanding Natural Beauty. These include:

- *An unusual landform*
- *A richly varied landscape*
- *A landscape of high visual quality*
- *A remarkable heritage*
- *An important wildlife resource*

Furthermore, the Howardian Hills Area of Outstanding Natural Management Plan refers to AONB's being places that are increasingly seen as calm and tranquil, without features such as traffic noise, minerals workings, excessive lighting and aircraft noise.

As identified by the AONB Management Plan, the application site is located within the Vale of Pickering landscape character area. The Landscape Management for this character area is to *"Strengthen the landscape by restoration of hedges, hedgerow trees and copses while retaining the contrast with more heavily wooded slopes to the north and south."*

Members will note that this site is highly visible from a number of public viewpoints in the area. The most significant viewpoint is that from Cawton Road, however there are various other viewpoints from within the village of Gilling East itself, including Station Road and Church Lane, and the B1363 road located in between Gilling East and Oswaldkirk.

The proposed four bedroom farmhouse will be positioned adjacent to Cawton Road on the western side of the site. It is a double fronted traditional design, with a further two storey cross wing extension to the rear. It will measure 9m to the highest ridge point and 6m to the highest eave point. The proposed detached garage with additional storage at first floor level will be positioned to the north east of the farmhouse and will measure 6.2m to the highest ridge point and 4m to the highest eave point. These buildings will be constructed of random coursed limestone under either clay pantiles or slate.

The proposed cattle building will be positioned 14.5m to the north of the existing shed. It will have a total floor area of 706.8 square metres and measure 7m to the eaves and 9.6m to the ridge. The proposed building to store machinery and feed will be positioned 23m to the east of the cattle shed. This will also have a total floor area of 706.8 square metres and measure 7m to the eaves and 9.6m to the ridge.

The 'Howardian Hills Area of Outstanding Natural Beauty Design Guidance for New Agricultural Buildings and Infrastructure (November 2013)' provides general design guidance on the siting of new farm buildings. Amongst other things, it is stated that *"subject to operational requirements, the impact of a new structure can be reduced by located it in close proximity to existing buildings with an existing group. Rarely will it be acceptable to build an isolated free-standing structure in the open countryside."*

The view of officers is that the scale of this large development is one that would be at contrast with the open vale landscape of the surrounding area. The proposed layout provides an open site which is dominated by large farm buildings and a large dwelling. At approximately 75m – 80m to the nearest agricultural building, the position of the farmhouse is a significant distance from the farm. This adds to the open dispersed nature of the proposal and further impacts on the character of the AONB.

A key justification for the siting of this proposal relates to the visual linkage the site has to the nearby Gilling East. It is accepted by Officers that there is an element of visual linkage to the nearby village. However by virtue of the separation distance between the site and the development limits of the village, any visual linkage is considered to be relatively minimal. When viewed in the wider landscape context, the site will be seen largely in isolation from any nearby development limit.

In order to mitigate the impact of the development, the application is proposing screening in the form of areas of woodland. This raises concerns for two reasons. Firstly, the trees would only screen the development for parts of the year. Secondly, the Landscape Management guidelines for the Landscape Character Zone of the AONB, as laid out in the AONB Management Plan, encourage the restoration of a hedged landscape with hedgerow trees and copses of broadleaved trees. The planting of areas of woodland to screen the development would not be compatible with the landscape character type.

It is the view of officers that layout and design of the development is one that does not protect the scenic and natural beauty of the Howardian Hills AONB or respect the context provided by its surroundings. Therefore, the design is considered to be contrary to the requirements of Policy SP13 and SP16 of the Ryedale Local Plan Strategy.

As identified by the AONB Management Plan, a special quality of the AONB landscape is that of tranquillity. This landscape character is protected by Policy SP13 of the Ryedale Local Plan Strategy which seeks that *'the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure'* is protected.

The application site is situated on a single track country road which provides access between Gilling East and Cawton. There is currently very little development between the two settlements which ensures low levels of vehicular activity and artificial lighting. This enhances the nocturnal character and tranquillity of the area.

This development if permitted would result in a significant increase the levels of traffic using Cawton Road and the local road network, including those highways through the villages of Gilling East and Cawton. These comings and goings from the site would materially change of character of the area from that of a quiet agricultural site into a large developed farmstead. It is also submitted that any lighting required for the farmyard together with the lighting associated to the farmhouse will significantly impact on the nocturnal character of the AONB. In light of this it is considered that the development does not conserve or preserve the tranquillity and nocturnal character of the AONB.

To conclude, the impact of the development on the Howardian Hills AONB does not conserve or enhance the special qualities of the AONB therefore is contrary to the requirements of Policy SP13 of the Ryedale Local Plan Strategy, Section 11 of the NPPF and The Countryside and Rights of Way Act (2000). The AONB Manager has raised significant concerns to the development and his comments are attached in full to this report.

Residential Amenity

In considering residential amenity, the requirements of Policy SP20 of the Ryedale Local Plan Strategy is relevant. This states that *"New development will not have a material adverse impact o the amenity of present or future occupiers, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses.*

Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.”

The application site is located approximately 400m from the nearest residential dwellings. These separation distances are considered to be such that the farmstead itself would not result in harm to nearby residential properties. Nevertheless, Officers do have concerns regarding the potential impact the proposed development will have on the amenities of the residents in the nearby village of Gilling East and its surroundings as a result of additional noise and general disturbance through vehicular movements associated with the proposed development. For this reason, the proposal is considered to be contrary to the requirements of SP20 of the Ryedale Local Plan Strategy.

Highway Considerations

Whilst the Highway Authority have raised concerns to the development, no objections have been raised to the proposal, subject to conditions.

Tree and Landscaping

The Council's Tree and Landscape Officer has made comments on the application recommending conditions.

Ecology

With regards to ecology, the Council's Countryside Officer has raised concerns that, in line with Policy SP14 of the Ryedale Local Plan Strategy, there needs to be provision to provide a net gain for biodiversity within this application. Further information is awaited from the applicant in respect to this matter.

Conclusion

A full recommendation will follow within the late pages once the report of the agricultural assessor has been received.

RECOMMENDATION: To Follow

Background Papers:

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