

Item Number: 8
Application No: 14/00613/OUT
Parish: Claxton Parish Council
Appn. Type: Outline Application
Applicant: CR Fawcett (Mr & Mrs Carl Fawcett)
Proposal: Erection of an agricultural worker's dwelling (site area 0.1ha) (revised details to refusal 13/00037/OUT dated 31.05.2013).
Location: Land Off Kirk Balk Lane Claxton

Registration Date:
8/13 Wk Expiry Date: 1 August 2014
Overall Expiry Date: 8 July 2014
Case Officer: Charlotte Cornforth **Ext:** 325

CONSULTATIONS:

Sustainable Places Team (Yorkshire Area) No comments - falls outside scope of matters to be consulted on

Land Use Planning In an area not served by public sewerage network. Recommends environment agency be consulted

Highways North Yorkshire No objection - recommend conditions

Property Management No views received to date

Parish Council No objection

Neighbour responses: Mrs E J Whiteley, Bill Selman, Mr C F Brown,

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SITE:

The proposed site of the dwelling is located within the wider open countryside, approximately 650m to the east of the village of Claxton and 600m to the north of Kissthorn Farm, the current farmstead serving the agricultural unit. The application site consists of undeveloped arable land, but is situated within relatively close proximity to an existing agricultural building which is located closer to Kirk Balk Lane.

PROPOSAL:

Outline permission is sought for the erection of an agricultural worker's dwelling (site area 0.1ha) (revised details to refusal 13/00037/OUT dated 31.05.2013). All matters are reserved for future consideration. The proposed dwelling has a total floor area of 150 square metres.

The application is accompanied by an Agricultural Justification Report and Appraisal from Cundalls. The Executive Summary is appended to this report. The full document can be viewed on the Council's website.

POLICY:

National Planning Guidance

National Planning Policy Framework
National Planning Practice Guidance

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 SP16 - Design

Policy SP19 - Presumption in Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

HISTORY:

13/00037/OUT – Planning permission refused 28th May 2013 - Erection of an agricultural workers dwelling (site area 0.1ha) at the same site. The earlier outline application proposed a dwelling with a total floor area of 230 square metres. The reasons for refusal stated:

1. The Local Planning Authority considers that the applicant has failed to demonstrate an essential need for a rural worker to live permanently on site. Moreover, there is no evidence that the business has been planned on a sound financial basis. The scale of the dwelling is such that it would require significant capital investment and the lack of information provided within the application provides uncertainty as to whether the costs of the new dwelling will be, or can be, sustained by the farm enterprise. As such the application is considered to be contrary to Section 6 Paragraph 55 of the National Planning Policy Framework.

2. Policy SP2 of the 'emerging' Local Plan Strategy seeks to ensure that new build dwellings located within the wider open countryside will only be permitted when necessary to support the land based economy where an essential need for residential development in that location can be justified.

The Local Planning Authority considers that the essential need for the proposed development has not been justified. As such, the proposal constitutes an unjustified new dwelling located within the open countryside. The proposed dwelling is located in open countryside beyond any development limit and in an unsustainable location. It is considered to be contrary to the requirements of Paragraph 14 of the National Planning Policy Framework and Policy SP2 of the 'emerging' Local Plan Strategy.

APPRAISAL:

Members should note that the previous application (Planning Reference 13/00037/OUT) for an agricultural workers dwelling was accompanied by a 'commentary' report from Carter Jonas explaining the applicants justification for the dwelling. The Local Planning Authority however sought the advice of an independent agricultural assessor in order to ensure an appropriate assessment of the functional requirement for the dwelling had been carried out.

Discussions have taken place with the agent with regard to this revised proposal. The two main differences from the previously refused planning application and this proposal are:

- The refused dwelling was 230 square metres in floor area, whilst this dwelling is proposed to be 150 square metres.
- The farming enterprise has now 140 - 160 'Other cattle', compared to 80 on the previous planning application.

The breakdown of livestock of the farm enterprise is:

- Sheep 750
- Breeding Cattle 50
- Other Cattle 140-160

The main considerations to be taken into account with regard to this proposal are:

- i. The functional and essential requirement for a rural worker to live permanently at the proposed site
- ii. The scale of the proposed dwelling
- iii. Impact upon the Wider Open Countryside landscape
- iv. Highway safety
- v. Water supply
- vi. Third party responses
- vii. Conclusions

i. The functional requirement for a rural worker to live permanently at the proposed site

Policy SP2 (Delivery and Distribution of new housing) of the Ryedale Plan – Local Plan Strategy states the following:

When necessary to support the land based economy where an essential need for residential development in the location can be justified.

Policy SP9 (The Land-Based Rural Economy) of the Ryedale Plan – Local Plan Strategy states the following:

New buildings that are necessary to support land-based activity and a working countryside, including for farming, forestry and equine purposes

Paragraph 28 of Section 3 (Supporting a prosperous rural economy) of the National Planning Policy Framework 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.* It then suggests that 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 and promote the development and diversification of agricultural and other land based rural business.*

Paragraph 55 of Section 6 (Delivering a wide choice of high quality homes) of the National Planning Policy Framework 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 National Planning Policy Framework 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 (Sustainable Development in Rural Areas), Annexe A.

The tests from the former Planning Policy Statement 7 (Sustainable Development in Rural Areas) annex A are as follows:

- 1. There is a clearly established existing functional need.*
- 2. the need relates to a full time worker or one who is primarily involved in agriculture and does not relate to a part-time requirement.*
- 3. 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.*
- 4. 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.*
- 5. Other normal planning requirements.*

The recent decision of a Planning Inspector when dealing with a proposal for the erection of a detached three bedroom agricultural workers dwelling with an attached single storey ancillary farm office following the part relocation of an existing general purpose agricultural building at Low Lane, Westow (Planning Application reference 12/00331/FUL) (Appeal reference APP/Y2736/A/13/2197766) identifies that:

'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 main farming operations are currently managed from two holdings what abut each other. These are known as Kissthorn Farm and Kirk Balk Farm. Kissthorn Farm equates to approximately 70% of the total farmland which is held on a secure Agricultural Holdings Act Tenancy. The business farms over 480 acres of arable and grassland on both holdings to produce a variety of crops and it supports the following livestock for breeding and pedigree sales:

- 250 breeding ewes
- 350 store and prime fattening lambs
- 25 breeding rams
- 50 breeding cattle
- 80 store cattle and bulling heifers
- 60-80 rearing calves and young stock

It is noted that part of the 194.25 hectares (480 acres) is given over to a rural diversification scheme in the form of touring caravan site, granted planning permission in 2005 (Planning Reference 05/00411/MFUL). This amounts to approximately 4.3 hectares (10.6 acres).

In terms of the operational use of the business, the majority of the farming takes place within the Kissthorn Farm holding which is located approximately 600m to the south of the application site. Whilst it is noted that a significant proportion of the lambing is stated to take place at the Kirk Balk site, the short term, seasonal nature of the lambing process means that temporary accommodation could meet the need to satisfy an on-site requirement. Furthermore, in the applicants submitted justification document, it states that on a usual winter programme for breeding cattle, they are first gathered on the land at Kirk Balk Lane and then kept in the building until early February before being transported to Kissthorn Farm for calving.

When the previous application was submitted, the Local Planning Authority sought the advice of an independent agricultural assessor to assess the proposal at that time. The approval stated the following:-

4.2.3 We aware that normal practice is to keep sheep and cattle outside for most of the year, although should conditions dictate they are sometimes housed inside during lambing and calving. As the breeding cattle are transported to Kissthorn Farm and calving.

4.2.4 We acknowledge that modern farming practices and Government legislation requires an onsite presence so that there is always someone readily available immediately before, during and after lambing to deal with any issues or emergencies that may arise and to ensure the health and welfare of newborn and young calves and lambs. However, this is not a year-round justification given the short lambing timescale and this could therefore be facilitated by temporary accommodation on site during the lambing 'season'. This business in its current form therefore has no requirement or need for a permanent residential presence at Kirk Balk Lane.

Whilst it is evident that the enterprise is continuing to develop, Officers consider that there is still not a clear functional need for a full time agricultural worker to reside on site at Kirk Balk Lane given the nature and extent of the livestock there.

Point 3 from Annex A of Planning Policy Statement 7 (Sustainable Development in Rural Areas) states:

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.

The building of a new dwelling involves significant capital investment. As part of the planning application, a letter from the farm business manager and business accountant has been submitted. The independent agricultural assessor for the previous application stated:

4.4 As the information provided within the application has no formal accounts we are unsure if this investment has been factored into a business plan (profit and loss calculations). We are concerned that any net profit would be required to service debt. We are therefore uncertain as to whether any business plan is sound or whether the costs will be covered by the farm enterprise.

4.4.6 We would normally expect to see a Business Plan for the next three years to show that this has been taken into account for the long term viability and plans to expand the business.

Therefore, it is still considered that the applicant's financial assessment provides limited information to demonstrate clear planning of the business over proposed stocking and performance levels.

Point 4 from Annex A of Planning Policy Statement 7 (Sustainable Development in Rural Areas) states:

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.

The existing dwelling at Kissthorn Farm is located only 600m to the south of Kirk Balk Lane. From the above information, there is an unproven functional need for a stockman to reside permanently on site as Kissthorn Farm is the main farming base, given that Kirk Balk Lane is mainly used for lambing and arable uses.

To conclude, it is considered that whilst it is evident that the enterprise is continuing to develop, the Local Planning Authority are not satisfied that there is a clear, functional and essential need for a full time agricultural worker to reside permanently at the site given the nature of the livestock that is located at Kirk Balk Lane.

ii. The scale of the proposed dwelling

The previously refused planning application sought outline permission for the erection a dwelling measuring 230 square metres in floor area. This was considered to be excessive by Officers and the Asset Management Surveyor. This application seeks outline permission for a 150 square metre dwelling. The Council's Asset Management Surveyor still considers that this dwelling is too large for an agricultural workers dwelling in this location. Furthermore, with the lack of any formal accounts and without a detailed financial assessment to indicate how the costs of constructing the proposed dwelling has been factored into the future operation of the farm enterprise, there remains a high level of uncertainty as to whether the costs of constructing a dwelling of this scale will (or could) be covered by the farm business.

iii. Impact upon the wider open countryside landscape

In terms of landscape impact, the proposed dwelling would be situated approximately 50m from the nearest point of the existing agricultural building. There are Officers concerns that there are no other agricultural buildings located within close proximity to the site. It is an isolated location and the proposed dwelling would represent an unjustified visual intrusion within an area that is generally wider open countryside. The dwelling would be readily visible from public viewpoints around the site because it is flat, open with relatively little boundary screening. The detailed design of the proposed dwelling is not to be considered at this outline permission stage.

iv. Highway safety

The Local Highway Authority has raised no objection to the proposal in terms of its impact upon highway safety, subject to the suggestion condition regarding the discharge of surface water.

v. Water supply

Yorkshire Water stated that the proposal is in an area not served by the public sewerage network and the application should be referred to the Environment Agency. The Environment Agency stated that the proposal falls outside the scope of matters to be consulted on. Discussions would need to taken place with Local Planning Authority's Environmental Health section at the reserved matters stage with regard to private treatment facilities.

vi. Third party responses

Two letters of support have been received with regard to the proposal. One is from the National Farmers Union North East Region. The full letter of support may be viewed on the Council's website. A summary of the NFU letter of support includes the following main points:

- There is a lack of affordable housing in the local vicinity to the site.
- The NFU considers that the Local Planning Authorities should encourage and enable young people to continue to live and work in the countryside

The village of Claxton is close to the site, within 540 metres at its nearest point. It should also be noted that the recently adopted Ryedale Plan – Local Plan Strategy does make provision for the erection of dwellings in the 'wider open countryside where:

New build dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified.

However, in this instance there remains an unproven functional need for a stockman to reside permanently on site as Kissthorn Farm is the main farming base, given that Kirk Balk Lane is mainly used for lambing and arable uses.

The other letter of support is from the occupiers of 'Vicarage Farm' which is the closest residential dwelling to the site of Kirk Balk Lane, approximately 280m to the north west of the site. They have stated that a house would be an excellent starter farm for the eldest son of the applicants.

The occupiers of 'The Lodge, Bossall' which is located approximately 480m to the east of the site have raised no objection to the proposal.

Claxton and Sand Hutton Parish Council have raised no objection to the proposal. They have stated however that it is important to protect land against unnecessary building, so the development should remain a facility for farming.

vii. Conclusions

To conclude, the proposed development is considered to be contrary to the requirements of Paragraph 55 of the National Planning Policy Framework because the applicant has failed to demonstrate the functional and essential need for a rural worker to live permanently at the proposed site and that the business is based on a sound financial basis projecting into the future. As a result, the proposed dwelling is considered to be an unjustified new dwelling outside of any development limit which is detrimental to the visual amenities of the wider open countryside and contrary to the requirements of Paragraph 14 of the National Planning Policy Framework and contrary to Policy SP2 of the Ryedale Plan – Local Plan Strategy.

Members will be aware that Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires by law that applications must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this case, there are no material considerations to justify a decision contrary to the requirements of Policy SP2 of the Ryedale Plan – Local Plan Strategy.

RECOMMENDATION: Refusal

- 1 The Local Planning Authority considers that the applicant has failed to demonstrate a functional need for a rural worker to live permanently on site. Moreover, there is no evidence that the business has been planned on a sound financial basis. The scale of the dwelling is such that it would require significant capital investment and the lack of information provided within the application provides uncertainty as to whether the costs of the new dwelling will be, or can be, sustained by the farm enterprise. As such the application is considered to be contrary to Section 6 Paragraph 55 of the National Planning Policy Framework.

- 2 Policy SP2 of the adopted Ryedale Plan - Local Plan Strategy seeks to ensure that new build dwellings located within the wider open countryside will only be permitted when necessary to support the land based economy where an essential need for residential development in that location can be justified.

The Local Planning Authority considers that the essential need for the proposed development has not been justified. As such, the proposal constitutes an unjustified new dwelling located within the open countryside. The proposed dwelling is located in open countryside beyond any development limit and in an unsustainable location. It is considered to be contrary to the requirements of Paragraph 14 of the National Planning Policy Framework and Policy SP2 of the Ryedale Plan - Local Plan Strategy.

Background Papers:

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