

Item Number:	8	
Application No:	15/00859/FUL	
Parish:	Thornton-le-Clay Parish Council	
Appn. Type:	Full Application	
Applicant:	Mr H Mook	
Proposal:	Erection of a four bedroom detached dwelling and associated detached garage following demolition of existing agricultural buildings.	
Location:	Building At Low Street Thornton Le Clay	
Registration Date:	27 July 2015	8/13 Week Expiry Date: 21 September 2015
Case Officer:	Rachel Smith	Ext: 323

CONSULTATIONS:

Parish Council	Objection
Highways North Yorkshire	Conditions recommended
Land Use Planning	No views received to date
Neighbour responses:	Mr Richard Harrison,Ms Jackie Farnell,Mrs Susan Jones,Mrs P J Diggle,Mrs Kirsten Young,
Overall Expiry Date:	25 November 2015

Members are aware that this application was considered at Planning Committee on 15 September 2015, where the recommendation was one of refusal for the following reasons:

1. The proposed dwelling is located outside the Development Limits for Thornton le Clay. No exceptional circumstances have been submitted to justify the erection of this dwelling in open countryside. The proposal is therefore contrary to Policy SP1 of the adopted Ryedale Local Plan Strategy and the National Planning Policy Framework.
2. The proposed dwelling would be located outside the development limits for Thornton le Clay, and does not constitute infill development. As such it would be contrary to Policy SP2 of the Ryedale Plan - Local Plan Strategy.
3. The proposed dwelling, by virtue of its scale, and location to the rear of Low Street, would be unduly prominent, would erode the character of the area, and fails to reflect local distinctiveness. Furthermore it would set a precedent for other such development in this and other villages in Ryedale. As such it would be contrary to the principles of policies SP16 and SP 20 of the Ryedale Plan-Local Plan Strategy, and section 7 of the NPPF.

A copy of the earlier Committee report is appended for ease of reference.

Whilst the application was not submitted with an agricultural appraisal, Members took on board information that had been submitted in relation to the applicant's farming in the area. Accordingly they deferred the application to enable further discussions to be undertaken to ascertain whether there is an essential need for a dwelling for an agricultural worker. In terms of policy, the NPPF is generally supportive of development that benefits the rural economy. The following is particularly relevant:

3. Supporting a prosperous rural economy

28. 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;

Nevertheless at para 55 the NPPF advises 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 dwellings in the countryside . The essential need relates to the needs of the business, and not the wishes of the applicant.

Policy SP1 of the Ryedale Plan - Local Plan Strategy states that in the open countryside, development will be restricted to that necessary to support a sustainable, vibrant and healthy rural economy and communities. Policy SP2 states that in the wider countryside new build dwellings will be allowed where they support the land based economy where an essential need for residential development in that location can be justified.

Since the Planning Committee meeting where the application was initially considered, the applicant has commissioned an agricultural appraisal which is appended to this report. Re-consultation has been carried out in relation to the submitted information. Whilst full details have been made available for officers to access, some sensitive information has been deleted from public access.

The report details that the Mook family have farmed in the locality of Thornton Le Clay and Flaxton since the 1800's. In the 1950's they also took on Rice Hill Farm, Flaxton where the applicants parents live. The farm extends to 800 acres which comprises land at Harton, and Flaxton, together with land to the north of the railway line. The application site comprises a field measuring 2.5 acres. There is a further parcel of land within the village of Thornton Le Clay which measures 8 acres. The business is a mixture of arable, livestock and farm contracting. The arable land consists of 600 acres, over half of which is to the north of the railway line. The arable operations are undertaken by the applicant and his father, with additional help at busy times. The livestock enterprise comprises:

250 breeding ewes
50 gimmer hoggs
60 suckler cows

The ewes graze to the north of the railway line all year round, except for one month of the year when they are brought inside to lamb at Rice Hill Farm Flaxton. The majority of the cows and calves are kept on land to the north of the railway line in summer and housed in winter at Rice Hill Farm Flaxton and additional buildings at Harton. Heifers are winter grazed on lighter soils situated just to the south of Thornton Le Clay.

The appraisal states that in time the applicant will increase the number of suckler cow numbers, introduce year round calving and breed all its own replacements. The submitted report states that more care and management is going on to the north of the railway line and to live closer to the livestock has become essential. Throughout the year, 80% of the livestock is kept north of the railway line.

The farm also undertakes contract combine harvesting, spraying, ploughing, mowing and drilling., and runs an oil seed rape business. The submitted appraisal includes a calculation of the farm labour requirements. It states that it equates to 4 full time workers. The submitted report further states that there is a clear need for the applicant to be located to the northern side of the railway, and within close proximity of the grazing and arable. As stated, the full agricultural appraisal submitted by the applicants is appended, however the following includes the main justification contained in the appraisal:

- Calving - Close monitoring of cows and heifers is necessary before, during and after calving when grazing pasture of the northern side of the railway. The application site is a quarter of a mile from this land compared to 3 miles from Rice Hill Farm.
- After calving the cows need daily attention.
- Heavily pregnant ewes need to be tended three times a day for health and care reasons
- Twice daily checks are required for ewes with lambs at foot.
- Prompt diagnosis and application of medicine is essential all year round
- Close monitoring of livestock is important
- Security
- Monitoring of farm workers to ensure that safe working practices are followed
- 4 full time workers are required which demonstrates that the farm can justify the applicant as a full time worker.
- Having a key worker to the northern side of the farm would solve security and welfare issues.

Information has also been provided which states that the tenancy of East Lilling Farm had previously included a farm house, but this is no longer available after the landlady passed away, and the house was given to a beneficiary. Information has also been provided in relation to house prices in Thornton Le Clay which are beyond the reach of the applicant.

Officer response to submitted information

Functional need assessment

The application site is situated in close proximity to the village of Thornton Le Clay. Nevertheless for planning policy purposes, it is in the wider open countryside as identified in the Ryedale Plan - Local Plan Strategy. Both local and national policy is very clear that isolated dwellings in the open countryside should be avoided, except in exceptional circumstances. Officers acknowledge that the farming enterprise is long established, and indeed do not dispute that the operations are capable of employing 4 full time workers. Nevertheless, the functional need for a dwelling does not relate to the number of people required to work on the farm. The functional needs test has to demonstrate whether there is an essential need to reside on site permanently. This need primarily arises when looking after livestock that require a farm worker to reside on site 24 hours a day. If this need is established, such dwellings should be so sited as to meet the identified functional need they are required to be well-related to existing buildings on the holding. It is not considered that the arable side of the business, or the agricultural contracting work requires permanent onsite accommodation.

In this case, the sheep and beef enterprise equates to 360 standard man days. This is the equivalent of 1.3 workers. There is an existing dwelling on the land at Rice Hill Farm, Flaxton where the applicant's father lives. The submitted agricultural appraisal refers to cows with calves requiring daily attention, with a constant supply of food, water minerals etc. It also states that heavily pregnant ewes must be checked three times a day, with twice daily check ups for ewes with lamb at foot. In view of this, it is considered that such care can be provided by an agricultural worker, working on the site during the day. It is not considered that the applicants have demonstrated an essential need for a permanent on site residence 24 hours a day.

The existing dwelling at Rice Hill Farm is within 3 miles of the land to the north of the railway, and more importantly is the location of the livestock buildings and grain storage. It is also of particular note that a planning application was submitted in 2012 for the erection of an additional agricultural building for the housing of livestock at Rice Hill Farm. The applicant submitted a supporting statement that the building was necessary to enable the further growth of the existing agricultural holding which would help to support a sustainable rural economy. The justification further stated that the new building would create an additional 800m² of floor space, which was required to enable the applicant to further expand to increase its viability and sustainability. The application was refused, by officers due to the isolation of the building from the existing buildings at Rice Hill Farm, and the size of the building. The application was, however, allowed on appeal.

A further extension of the building approved on appeal was subsequently approved in 2013. It is therefore clear from this information, that the hub of the farming enterprise is based at Rice Hill Farm where there is an existing dwelling, together with the majority of the associated agricultural buildings. Whilst it may be convenient to live nearer the land to the north of the railway, it is not considered by officers, that there is a proven operational reason for doing so and the proposal appears to run contrary to the information provided to support the application of an agricultural building at Rice Hill Farm. Policy and case law is clear that it is the needs of the farming business that is crucial. Whilst it may be desirable from the applicant's prospective to live to the north of the railway line, it is not the same as a functional requirement.

Location of proposed dwelling

Officers are of the opinion that the applicants have not demonstrated a functional requirement for a second dwelling to be associated with the land and livestock associated with Rice Hill Farm to serve the land at the north of the railway. Furthermore, if Members take the view that such a need has been established, it would be necessary to site such a dwelling where the need exists. This would need to be close to existing buildings on the farm in the view of officers. The application site is separated from the bulk of the agricultural land, and can therefore not provide the on site security, or 24 hour care that an agricultural dwelling on site would provide.

Size of dwelling

Where an established need for an agricultural workers dwelling has been demonstrated, it is accepted that such dwellings should be commensurate with the functional needs of the holding. Officers have already expressed concern regarding the design and scale of the proposed dwelling, and its impact on the area. The proposed dwelling has an internal floor space of approximately 220m together with a detached double garage. It is not considered that the submitted appraisal has demonstrated a requirement for a dwelling of this size. A larger dwelling will often have a greater impact on the character of the area, divert money from the farm holding that could be used to invest in the business, and furthermore put the dwelling and land out of the financial reach of any future agricultural workers.

Conclusion

Officers have taken account of the information contained in the agricultural appraisal. Nevertheless it is not considered that the applicant has demonstrated any exceptional circumstances that would justify the erection of a dwelling outside the development limits of the settlement. Officers have also taken account of the submitted information in relation to the applicants submission that there are no dwellings within Thornton Le Clay that would be within his budget. Nevertheless, this is not sufficient an argument to warrant approving a dwelling outside the development limits. Accordingly the recommendation remains one of refusal.

RECOMMENDATION: **Refusal**

- 1 The proposed dwelling is located outside the identified Development Limits for Thornton le Clay. The submitted information has failed to demonstrate a need for a dwelling in this location which is divorced from the principal land holding, and the location of the main agricultural buildings at Rice Hill Farm. As such, the proposal is contrary to Policies SP1 and SP2 of the adopted Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.
- 2 The proposed dwelling would be located outside the development limits for Thornton le Clay, and does not constitute infill development. As such it would be contrary to Policy SP2 of the Ryedale Plan - Local Plan Strategy.

- 3 The proposed dwelling, by virtue of its scale, and location to the rear of Low Street, would be unduly prominent, would erode the character of the area, and fails to reflect local distinctiveness. Furthermore it would set a precedent for other such development in this and other villages in Ryedale. As such it would be contrary to the principles of policies SP16 and SP 20 of the Ryedale Plan-Local Plan Strategy, and section 7 of the NPPF.

Background Papers:

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