

**Item Number:** 9  
**Application No:** 16/00072/OUT  
**Parish:** Marishes Parish Meeting  
**Appn. Type:** Outline Application  
**Applicant:** Mr A N Willis  
**Proposal:** Erection of an agricultural workers dwelling  
**Location:** Land At Golden Square Low Marishes Malton North Yorkshire

**Registration Date:**  
**8/13 Wk Expiry Date:** 26 September 2016  
**Overall Expiry Date:** 26 August 2016  
**Case Officer:** Tim Goodall **Ext:** 332

#### **CONSULTATIONS:**

<b>Parish Council</b>	Support
<b>Highways North Yorkshire</b>	No objection
<b>Countryside Officer</b>	Recommend condition
<b>Land Use Planning</b>	No response to date
<b>Tree &amp; Landscape Officer</b>	No response to date
<b>Environmental Health Officer</b>	No response to date

#### **Neighbour responses:**

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#### **SITE:**

The application site is an existing paddock to the south of Golden Square, an existing farmstead.

In addition to the farmhouse, there are 330 acres of arable and grass land, a public weighbridge, an eight bay lorry park, a storage yard area and industrial units. The paddock is in the south western corner of the existing development.

The site lies in open countryside to the west of the A169, between Malton and Pickering. There is an existing vehicular access off the A169.

#### **PROPOSAL:**

Outline planning permission is sought for the erection of an agricultural worker's dwelling in the paddock to the south of the farmhouse, accessed via the existing vehicular access.

#### **CONSULTATION RESPONSES:**

A letter of support has been received from Marishes Parish Meeting. The letter states that the business is a major source of local employment and should be supported, the development will not affect other people or properties. There is a proven need for another house to support the business. Residents wish to support the success of the business and feel another dwelling would assist this.

The letter of support asserts the application will support local businesses in this location (the open countryside). Given national and local planning policy support for the rural economy, this representation raises a material planning consideration. The planning application has been recommended for refusal and under Ryedale District Council's scheme of delegation for the determination of planning application it is required for this planning application to be considered by Members of the Planning Committee.

## **HISTORY:**

11/01306/FUL - Erection of a 20m high (overall tip height 26m) 15Kw wind turbine to generate electricity for on farm use - Refused

05/01432/FUL - Part sub-division alteration and extension of existing farmhouse and attached garage/workshop to form a 2 bedroom self-contained residential annex (revised details to refusal)

05/00505/FUL dated 05.07.2005) Refused - Appeal Dismissed (ref: APP/Y2736/A/06/2014392/NWF)

05/00505/FUL - Erection of two-storey extension to farmhouse and sub-division to form an additional 4-bedroom dwelling Refused

05/00504/FUL - Erection of a light industrial unit - Permitted

04/01514/FUL - Change of use of agricultural buildings to Use Classes B1, B2 and B8 - Permitted

04/00198/FUL - Erection of agricultural storage and workshop building with attached triple garage - Permitted

00/00330/FUL - Change of use of agricultural land for parking of eight lorries and trailers - Permitted

## **APPRAISAL:**

The key issues to consider are:

- i. Whether there is a functional need for the dwelling?
- ii. Design considerations
- iii. Ecology
- iv. Highways
- v. Other Matters

### **i. Whether there is a functional need for the dwelling?**

Paragraph 55 of the 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. While the former National Planning Policy Statement (PPS) 7 has been revoked, Annex A of the statement provides a suitable guide with regard to the functional test for a new agricultural dwelling. The tests from the annex are as follows:

1. There is a clear established 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 worker's concerned
5. Other normal planning requirements

Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy require that new residential development in the open countryside to support land-based activity, will be required to demonstrate an essential need for the dwelling that cannot be met elsewhere. Policy SP9 supports new buildings that are necessary to support land based activity and a working countryside.

The application is for outline planning permission for an additional dwelling at the site, as well as the existing farmstead.

The application indicates the proposed dwelling is for the son of the owner who is jointly responsible for the management, security, supervision duties of the site, including the weighbridge. In this instance, the applicant has submitted an agricultural justification report and appraisal in support of the proposed development. Furthermore, letters of support dated 2014 have been received from two businesses using the weighbridge, highlighting the early and later hours that operation is required.

The appraisal sets out the case for the functional need for the dwelling, including for the arable enterprise, for the industrial units, weighbridge, and banksman (health and safety) regulations.

It is of note that in 2005 planning permission was refused for the formation of a two bedroom annexe on the site. This proposal was subsequently dismissed on appeal after an Informal Hearing, by a Planning Inspector in January 2007. Paragraph 9 of the Inspector's decision noted:

"In my view the isolated location of the site and the position of the access road next to the existing dwelling already provides a measure of security for the business units. Nonetheless, if the lack of security was a serious problem for the appellants, it seems to me that one of the first measures which could be implemented would be the fencing of the perimeter of the site in order to make this secure. Furthermore, I consider that the existing dwelling on the site already satisfies the stated need for persons to be present on site. While I sympathise with Mr Willis Snr's desire to share this burden with Mr Willis Jnr, Annex A to PPS7 makes it clear that whether or not a dwelling is essential will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any individuals involved. On the basis of the information before me, I do not consider the security needs of the business units to be such that a second dwelling on the site can be justified. Accordingly I conclude that the functional need for a new dwelling within the countryside cannot be justified in this case

."A full copy of the earlier appeal decision is appended to this report for Members information.

It is recognised that the isolated nature of the site remains and that vehicular access continues to be via the main farmhouse. As such, the argument that the second dwelling is necessary for the security of the site is considered to remain unjustified and that there is no material difference to the application that were considered at appeal in 2007.

The supporting documents note the extended hours of the use of the public weighbridge. Employment during extended hours is not uncommon in many roles that do not require on site accommodation, such as factory working, community health workers etc. Given there is already a dwelling at the site, the operation of the weighbridge is not in itself considered to be justification for a second dwelling. As previously noted by the Planning Inspector, whether a dwelling is essential depends on the needs of the enterprise, not the personal preferences or circumstances of the individuals involved.

The submitted appraisal report makes no mention of there being a livestock element to the existing farming enterprise, which is described as an Arable farming enterprise of 330 acres. Paragraph 8 of the 2007 Inspector's decision notes that: "the appellants accepted that they could not justify a new dwelling on the basis of the agricultural holding which consists of 350 acres (approx. 141 ha) of arable land in the surrounding area." While it is recognised that there have been changes to national and local planning policy since 2007, notably the publication of the NPPF and the adoption of the Ryedale Plan - Local Plan Strategy, the agricultural element of the business remains essentially unchanged since 2005. There are not considered to be material considerations that would alter this view to the extent that it would justify the need for an additional dwelling on the site.

## **ii. Design Considerations**

To accord with Policies SP16 (Design) and SP20 (Generic Development Management Issues) and reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings. Attention should be paid to the grain of settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings.

Consideration must also be given to the type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.

The application is an outline proposal and is for a two bedroom bungalow to the south of the existing farmhouse. While details of the design have not been submitted at this stage, it is recognised that the site is physically capable of accommodating a two bedroomed single storey dwelling.

**iii. Ecology**

The planning application was accompanied by an Ecological Appraisal that recognised there are some important habitats in the vicinity that may be affected by the proposal, including hedgerows and pond/wetland. Given these have the potential to provide habitat for water voles and nesting birds, the Council's Countryside Officer recommends relevant conditions be attached if planning permission is granted.

**iv. Highways**

Access to the site will be via the existing vehicular access from the A169 to the east of the site. The planning application has been subject to consultation with North Yorkshire County Council Highways and there are no objections to the proposal on highway safety grounds.

The applicant has failed to demonstrate there is a functional essential need for a second dwelling at the site. The proposal is therefore contrary to the NPPF and Policies SP2, SP9 and SP21 of Ryedale Plan -Local Plan Strategy. Refusal is recommended.

**RECOMMENDATION: Refusal**

The proposal has failed to demonstrate there is a functional essential need for an additional dwelling at the site and therefore is contrary to Paragraph 55 of the National Planning Policy Framework and Policies SP2, SP9 and SP21 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