

Planning Statement: Application at Westfield Farm, Normanby, for Mr Graham Bell

- 1 Westfield Farm is a long established family cattle farm just south of Normanby which has been in the Bell family for three generations. This planning application is to retain the original farmhouse, notwithstanding a requirement to demolish it, for occupation by Mr Graham Bell and family members to supervise the livestock. Submitted with the application are
  - Agricultural Appraisal and Justification Report by Cundalls of Malton and
  - A Flood Risk Assessment again by Cundalls.
- 2 **Background.** Planning permission was given for the erection of a replacement four bedroom farmhouse for Mr and Mrs G Bell on 5 October 2012 (12/00467/FUL). There is no restrictive agricultural occupancy condition. Condition 6 required the demolition of the existing dwelling within three months of the occupation of the replacement dwelling. I understand that the new house was first occupied on 1 December 2014. For reasons given later in this report the farm house has not been demolished.
- 3 The background for the 2012 planning application was that the original farmhouse suffered from severe damp, which had not been cured despite two major attempts to do so.
- 4 Background correspondence on the matter of Condition 6 are letters from the Council dated 14 December 2015 and 1 Feb 2016 (reference 15/0023/BC) and replies to them from Graham Bell and/or me. The second Council letter followed a full meeting at the Council Offices on 12 January 2016 attended by Graham Bell, me and Council officers.
- 5 The buildings at Westfield Farm are about 500 m south of the village of Normanby. The original house and farm buildings are probably Victorian. There are also modern farm buildings and two more houses. For clarity the three dwellings at Westfield Farm are referred to as follows
  - The Farmhouse: the original house at Westfield Farm subject of this application.
  - Westfield Lodge, a bungalow to the north built in 1981 for the Bell family.
  - Westfield House, the most recent, further north again, given permission in 2012 and described in 2 above.
- 6 This Planning Statement deals with the following matters, partly reflecting the Council's letter of 1 February
  - A. Personal Circumstances
  - B. Agricultural Need
  - C. Other Residential Accommodation at Westfield Farm
  - D. Damp
  - E. Flooding
  - F. Visual Considerations
  - G. Planning Gain Requirements
- 7 **A: Personal Circumstances.** Very unfortunately and unexpectedly Mr Graham and Mrs Elaine Bell have separated since the planning permission was given in 2012. They have now divorced and Elaine Bell is no longer a partner in the farming business. Graham Bell has a substantial herd of currently about 150 head of cattle and needs to live on site to supervise them. This is explained in detail in the submitted Agricultural Appraisal. Graham Bell and his family have to live somewhere of course but for agricultural reasons have to live on site. They wish to continue to remain in the farmhouse.

- 8 The farmhouse is occupied by Graham Bell and his immediate family including his daughter and a baby grandson born in April.
- 9 It is accepted that the planning application must be decided on planning criteria rather than personal circumstances. However I think it important to explain the background circumstances. Graham Bell has never intended deliberately to ignore the planning system which requires the demolition of the replaced dwelling. This is not a wilful breach of planning law.
- 10 **B: Agricultural Need.** The Council's letter of 1 February discusses the retention of the Farmhouse as an agricultural worker's dwelling. It sets out the functional and financial evidence required to demonstrate that a rural worker has to live permanently on site and therefore meet national and local planning policy.
- 11 The farm area is about 55.8 hectares (138 acres; 29.5 ha or 73 acres owned and 26.3 ha/65 acres rented). Currently there are about 150 cattle.
- 12 A full Agricultural Appraisal and Justification Report has been prepared for this planning application by Mr Will Tyson of Cundalls, Malton. It examines the functional and financial need for a dwelling. It looks at the existing scale of operations at Westfield Farm against nationally agreed guidelines. It concludes that the scale of activity requires 1.64 essential workers to live at or near the site. The report accords with current planning policy especially policies SP1 and 2 of the Ryedale Local Plan and paragraphs 28 and 55 of the National Planning Policy Framework (NPPF).
- 13 **C: Other Residential Accommodation at Westfield Farm.** Westfield Lodge is a single storey dwelling about 50 m north of the farmhouse. Mr T Bell was given outline planning permission in 1980 (3/94/14/PA). Reserved matters were subsequently approved. Condition 3 was an agricultural occupancy condition. The bungalow was built in 1981 and originally occupied by Graham and Elaine Bell. Graham was at that time the business partner at the farm with his father, Thomas. Thomas died in 1990 and Graham and Elaine moved into the Farmhouse while his mother, Mrs Dorothy Bell, occupied Westfield Lodge.
- 14 As a farmer's widow Dorothy Bell complies with occupancy condition number 3 on the planning permission. Westfield Lodge is not available to Graham Bell.
- 15 Westfield House built under planning permission 12/00467/FUL (see 2 above), is now occupied by Mrs Elaine Bell. It is therefore not available to Graham Bell. It is currently for sale for £680,000. Graham Bell could not buy it as the price is beyond his means.
- 16 **D: Damp.** As explained, the case for the replacement dwelling ultimately built as Westfield House was partly that the Farmhouse has a history of severe damp. There had been two attempts at injecting a damp proof course, the most recent in 1995. Both sets of work were very disruptive to residents and both were ultimately unsuccessful. The residents were very unwilling in 2012 to endure another similar attempt at combating it.
- 17 However the Farmhouse has continually been lived in. The effects of the dampness have been kept at bay by heating, especially a very efficient wood burning stove.
- 18 Graham Bell has consulted local builders. New techniques of tanking are more effective than the methods used in 1997. They are therefore less disruptive to install. It is therefore acceptable for continual habitation. This is explained in the letter of builders J

B Mitchell and Sons Ltd dated 19 February 2016 (attached).

- 19 He is therefore now confident that the dampness can be managed enough to let the house be lived in adequately.
- 20 **E: Flooding.** This was raised as an issue in the Council's letter of 1 February 2016. The house is close to the River Seven. A full flood risk assessment (FRA) was prepared in May 2013 by P W Fisher of Cundalls for a proposed caravan site at Westfield Farm (application 14/00312/MFUL). A further copy has been supplied. The FRA concluded that, subject to the recommendations in it being incorporated, there was no risk of flooding to the caravan site.
- 21 The Environment Agency by letter dated 7 April 2014 confirmed that it had no objections to those proposals, subject to the development being in line with the FRA.
- 22 Flooding was not an issue in the case made for the replacement dwelling in 2012. It is an existing dwelling. Graham Bell has added that there has been no flooding at the site for the fifty six years he has lived there.
- 23 **F: Visual Considerations.** Condition 6 of the 2012 planning permission was imposed to accord with policy H10 of the 2002 Ryedale Local Plan, which was in force when the planning application was determined. The formal reason for Condition 6, which required demolition of the Farmhouse, is "*in order to safeguard the general amenity of the immediate of the surrounding (sic) area.*"
- 24 Clearly this would be to prevent a proliferation of dwellings in the landscape. However, the Farmhouse is adjacent to the substantial range of existing farm buildings serving Westfield Farm, still in active use. Therefore removal of the Farmhouse would not have any discernible advantageous impact on the landscape.
- 25 **G: Planning Gain Requirements.** The Council's letter of 1 February says that it is likely that the development would be liable to Community Infrastructure Levy (CIL) and Public Open Space Contributions. We await more information from the Council on these.
- 26 **Conclusion.** The background events to this case are unfortunate and unexpected. The Agricultural Appraisal and Justification Report demonstrates that there is need for an agricultural worker's dwelling on site to supervise a substantial cattle herd. Other site-specific issues have been addressed. The proposal is acceptable in terms of policies SP1 and 2 of the Ryedale Local Plan and the NPPF paragraphs 28 and 55. We hope that the Council will support the application and approve it.

Patrick Sutor  
BA, Dip TP, MRTPI  
Planning Consultant for Mr Graham Bell  
11 May 2016

## ATTACHED

### 1. Letter from J B Mitchell and Sons Ltd