

**Item Number:** 9  
**Application No:** 16/01108/FUL  
**Parish:** Normanby Parish Meeting  
**Appn. Type:** Full Application  
**Applicant:** Mr Graham Bell  
**Proposal:** Retention of existing dwelling for purpose of agricultural workers dwelling  
**Location:** Westfield Farm Westfield Lane Normanby YO62 6RJ

**Registration Date:**  
**8/13 Wk Expiry Date:** 29 August 2016  
**Overall Expiry Date:** 6 August 2016  
**Case Officer:** Gary Housden **Ext:** 307

#### CONSULTATIONS:

**Highways North Yorkshire** No objection  
**Sustainable Places Team (Yorkshire Area)** No objections  
**Parish Council** No views received to date

**Neighbour responses:** Ms Val Kavanagh, Mr Philip Gospel, Mr D Walker, Mr Phillip Forsyth, Mr David Walker, Mr Paul Bell, Mr S R Marton, Mr William Sanders, Mr Paul Bell, Miss Harriet Sanders,

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**SITE:**

The application site is located at Westfield Farm, a farmstead situated approximately 500 metres to the south of the village of Normanby in open countryside. The farmstead extends to approximately 138 acres of arable and grassland with a herd of approximately 80 breeding cows with a further 120 calves and fattening cattle.

The farm is set back from the adjacent highway and is accessed via a narrow driveway which also serves Westfield Lodge (a single storey dwelling built in 1981) and Westfield House (a two storey dwelling built in 2014/15). Westfield farmhouse, the subject of this application, pre dates planning control and is estimated to date from the Victorian era.

The River Seven runs to the east of the farm complex and is separated from the group of farm buildings by the existing flood defence.

#### PROPOSAL:

This application seeks planning permission to retain the existing dwelling known as Westfield Farm for use as an agricultural workers dwelling. To accompany the application the applicant's agent has submitted a Planning Statement which was updated on 24<sup>th</sup> April 2017 to reflect the circumstances of the holding at the present time and to confirm up-to-date livestock numbers. The submitted Agricultural Justification Report and Appraisal has also been updated to reflect current stock numbers and concludes there is a need for two essential agricultural workers at the holding.

To assist Members a copy of both the Planning Statement and the Agricultural report are appended in full to this report. The Planning statement is of particular note because this sets out the background to this somewhat unusual application which is before the Local Planning Authority for determination.

## RELEVANT PLANNING HISTORY:

2009: Erection of agricultural building and storage of livestock - Approved

2009: Erection of extension to agricultural building - Approved

2012: Erection of replacement four bedroom farmhouse with attached store - Approved.

It is of note that this application for the erection of a replacement dwelling in the open countryside was granted planning permission on 5<sup>th</sup> October 2012 subject to conditions, (which included Condition No.6) - which required the demolition of the existing dwelling house known as Westfield Farm within 3 months of the occupation of the replacement dwelling.

The above mentioned application was determined in accordance with Policy H10 of the Former Ryedale Plan 2002 which for replacement dwellings in open countryside location required the removal of the existing dwelling in such circumstances. This approach is consistent with Policy SP2 contained in the Ryedale Plan - Local Plan Strategy, adopted 2013.

The current application arises from an enforcement investigation into the non-compliance with the above mentioned planning condition. In the intervening period of time since the grant of planning permission in 2012, the circumstances of the applicant have changed significantly and these are set out in the submitted Planning Statement in order to aid Members understanding of the current position.

## POLICY:

### National Policy

This is set out in the National Planning Policy Framework 2012

Paragraphs 28 & 55 are of particular relevance and these state:

*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*
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres*
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship*

*55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. 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*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting*
- *the exceptional quality or innovative nature of the design of the dwelling*

### Ryedale Plan - Local Plan Strategy

The Ryedale Plan Local Plan Strategy is the current development plan relevant to the consideration of this application. Policies SP1, SP2 and SP21 are of particular relevance.

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of New Housing

Policy SP21 - Occupancy Restrictions

### **APPRAISAL:**

#### Principle/Essential Need for the agricultural dwelling

The imposition of Condition No. 6 on planning permission Ref. 12/00467/FUL was entirely in accordance with the Council's adopted development planning in relation to replacement dwellings in the countryside. Indeed the same approach to replacement dwellings would continue if faced with the same type of application today under the requirements of the Ryedale Plan Local Plan Strategy.

However whilst the replacement dwelling has been constructed the existing farmhouse remains currently in breach of the imposed condition. The submitted information to accompany the application sets out the unfortunate background to this case but also goes on to set out the justification for a second agricultural workers dwelling at the holding. This justification is based on the overall agricultural needs of the holding which have evolved since the grant of permission in 2012 and which have continued to develop during the processing of the current application. The Agricultural appraisal identifies the functional need relating to the breeding herd, the fattening cattle, the arable enterprise and more recently a small flock of Suffock & Texel breeding ewes.

The report summarises that over 2 full-time workers are required at the farm to meet the labour requirements and that the location needs to be within sight and sound of the livestock buildings.

The concluding section of the appraisal states:

- The applicants have demonstrated the necessary ability and intent to sustain and develop the business of this sort on the holding and have a clear desire to expand further.
- The nature of the business and the plans for expansion clearly justify the need for two rural workers dwellings at Westfield Farm.
- There is a clear lack of available housing within the vicinity which could meet the functional requirement of the business and any further outside accommodation is not financially or physically viable in terms of calving responsibilities and livestock welfare.
- The business is well established, profitable and capable of providing a good income at present and It has been confirmed that farm business trading at Westfield Farm is based on a sound and financially viable foundation.
- The existing dwelling is located on an established site, adjacent to other existing buildings with good access, screening and in an un-isolated position.
- There is a clear existing functional need for two rural workers dwellings on the holding to within sight and sound of the buildings with a labour requirement of 2 full time workers required on the farm.

In the light of the above considerations, it is considered that there is a proven need for two agricultural workers to reside at the site and that the case for the retention of the dwellinghouse has been made. The proposal is therefore considered to comply with both National and Local Planning Policy.

#### Other matters

#### Flood risk

This application seeks the retention of an existing dwelling house. The environment agency have confirmed that they have no objection to the application

#### Highways

NYCC Highways have confirmed that they have no objection to the application.

#### Third Party Representations

#### Normanby Parish Meeting

No response has been received.

6 letters of support for the application have been received from local residents and their comments are set out below:

#### Resident of Rise Farm, Great Barugh

The applicant is in an unfortunate position of possibly being without a farmhouse. Please let him stay as he has nowhere else to go.

#### Resident of Hill Top Farm, Hill Top Farm Road, Normanby

Feels it is appropriate for Westfield Farm House to remain so that it can continue to run as a livestock farm.

#### Resident of The Sun Inn, Main Street, Normanby

Fully supports to retain the original farm house. Also thinks the welfare of the animals would be at risk if the applicant was not able to live on site.

#### Resident of Lance Butts Farm, Main Street, Normanby

Supports the application to retain the farmhouse as have own experience of working on a livestock farm and the importance of the farm itself.

#### Resident of 1 Barn Farm Cottages, Westfield Lane, Normanby

Supports the farmhouse remaining as the applicant has found himself in a position through no fault of his own.

#### Resident of Barn Farm Cottages, Westfield Lane, Normanby

Fully supports to retain the original farm house. Coming from a farming background, understands the importance of living on the farm itself.

In addition to the above mentioned letters of support 1 No. objection letter has been received from the Occupier of Westfield House, pointing out the requirement of the earlier planning permission condition, the sale of the property (Westfield House) built in 2014 and also the presence of the agricultural workers bungalow on site that is currently occupied by Mrs Bell (senior). Reference is also made to the location of the existing dwelling being on 'floodland'.

The appraisal section of this report is considered to have addressed the material planning considerations raised by third parties.

On balance (whilst the circumstances leading to the submission of this application are unusual) the arguments made for the retention of the existing farmhouse for an essential on site agricultural worker are considered to be reasonable. In the circumstances planning permission is recommended subject to the imposition of an agricultural occupancy condition to be imposed on Westfield Farm House.

**RECOMMENDATION:                      Approval**

- 1            The occupation of Westfield Farm, Westfield Lane, Normanby, YO62 6RJ shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336 of the Town & Country Planning Act 1990) or in forestry, or by a widow of such a person, or to any resident dependants.

Reason:- To ensure that the dwelling is occupied by persons connected with agriculture or forestry as the site is located in open countryside where additional residential development would not normally be permitted.

**Background Papers:**

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