



Appeal Decision

Hearing Held on 18 July 2017

Site visit made on 18 July 2017

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st August 2017

Appeal Ref: APP/Y2736/W/17/3171618

Land East of Swinton Road, Swinton, Malton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Monkman against the decision of Ryedale District Council.
 - The application Ref 16/01664/OUT, dated 11 October 2016, was refused by notice dated 23 December 2016.
 - The development proposed is erection of an agricultural dwelling (resubmission of 16/01278/OUT).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration.

Main Issues

3. The main issues are:
 - (a) Whether there is an essential need for a new dwelling to accommodate a rural worker, and;
 - (b) The effect of the development on the character and appearance of the countryside.

Reasons

Essential need

4. The rural workers dwelling is proposed in connection with JF & TY Monkman, which is an agricultural enterprise involved in the rearing of sheep and cattle, and the cultivation of arable crops. It was stated at the hearing that the business operates a herd of 85 suckler cows and 200 ewes. Calving currently take place in rented buildings located along Broughton Road and lambing takes place outdoors.
5. The proposed dwelling would accommodate Mr P Monkman who is a partner in the business. It would be positioned close to 2 recently constructed farm buildings that are associated with the business. These comprise a grain store and a new livestock shed that is currently under construction. Once completed, the livestock shed will be used to calve the suckler cows. The ewes are

- currently lambled away from the appeal site, although it was stated that bringing them nearer would be considered if the dwelling were approved.
6. The suckler herd calve during autumn and winter and are split into 2 batches. These produce calves mainly during November-December and February-April, although some will calve outside of these periods. The appellant stated that between a quarter and a third of the cows require assistance during the calving process, and approximately one emergency situation arises per week during this period. Observation is required to assess whether a cow is likely to calve, or need assistance. In this regard, it was stated that the cows are checked between 22:00-23:00, again between 03:00-04:00, and also first thing in the morning, whenever calving occurs.
 7. The lambing process takes place between April and May. During this period, regular supervision is required to ensure the welfare of both ewes and new born lambs. This includes regular checks throughout the night. It was stated at the hearing that lambing is usually completed in around 4 weeks.
 8. A number of potential alternatives to a new dwelling were discussed during the hearing. In particular, it was noted that the village of Swinton is located close to the north of the appeal site, with Amotherby just beyond. Whilst it was asserted that the cost of nearby properties is prohibitive, limited evidence has been submitted to corroborate this. I have been supplied with details of a nearby 3-bedroom property for sale at £180,000, although no other local price or availability data has been provided. Whilst the appellant states that £180,000 is beyond the reach of an agricultural worker, I note that Mr P Monkman is a partner in the business. There is also no evidence before me regarding the comparative build cost of the proposed dwelling.
 9. Moreover, the need for a dwelling to be located onsite, as opposed to the nearby villages, is unclear. In this regard, there is no guarantee that a distressed cow would be heard at night time, particularly if house windows were closed. Furthermore, the appellant's fields are located between the appeal site and Swinton, and the proposed dwelling would therefore offer only a small proximity advantage in relation to the sheep flock, which lamb outdoors. In these circumstances, I am unable to conclude that the need for a localised presence cannot be met by an existing dwelling in the nearby area.
 10. The appellant asserted at the hearing that the Council has provided only limited evidence to support its first reason for refusal. However, in this case there is a clear policy imperative, both locally and nationally, to avoid isolated new homes in the countryside unless there are special circumstances. Accordingly, the onus is on an applicant to demonstrate that such circumstances exist.
 11. For the above reasons, I conclude that it has not been demonstrated that there is an essential need for a new dwelling to accommodate a rural worker on the site. The development is therefore contrary to Policies SP1 and SP2 of the Ryedale Plan – Local Plan Strategy (2013). These policies seek to ensure, amongst other things, that new build dwellings in the open countryside are necessary and where an essential need can be justified. It would also be contrary to paragraph 55 of the National Planning Policy Framework which seeks to avoid isolated new homes in the countryside.

Character and appearance of the countryside

12. The appeal site is located within the Howardian Hills Area of Outstanding Natural Beauty (AONB). It is set within a rolling landscape, with attractive views to the North Yorkshire National Park to the north. The proposed dwelling would be positioned a short distance from the existing grain store and livestock shed, which are larger structures. However, it would be on elevated land in relation to these buildings.
13. The appeal site would be visible in nearer views from a number of points to the north along Swinton Road, through gaps in the hedgerow. However, these views would be limited as the majority of the eastern side of Swinton Lane is occupied by a thick mature hedgerow. New planting could also be used to obscure views of the property from these vantage points.
14. The dwelling would also be clearly visible in longer views from the south and south east from along 2 public rights of way. In this regard, the dwelling would be relatively prominent in views from the footpath to the south that runs along a rough east-west axis, and it would stand clear of the associated agricultural buildings. However, the appellant proposed that its height could be restricted to a single storey in order to minimise its visual impact. It was agreed by the parties that this could be secured by condition if necessary. This would allow the height of the dwelling to be kept below that of the nearby agricultural buildings. It would also mean that only the roof profile would be visible above the existing hedgerow in longer views, and additional planting could be secured to provide further screening. In these circumstances, I am satisfied that with an appropriate design, and use of materials and landscaping, the dwelling would conserve the natural beauty of the AONB. These matters would be capable of being dealt with appropriately at reserved matters stage.
15. For the above reasons, I conclude that the development would not significantly harm the character and appearance of the countryside in this location. It would therefore accord with Policy SP13 of the Ryedale Plan – Local Plan Strategy (2013). This policy seeks to ensure, amongst other things, that new development does not detract from the natural beauty and special qualities of nationally protected landscapes.

Other Matter

16. Accounts have been provided for the last 4 financial years, including those that were submitted on the day of the hearing. These show a steadily increasing level of profit, particularly from the livestock part of the business. They also show that the business owns significant tangible assets. Accordingly, I am satisfied it is an economically viable enterprise that could accommodate the costs associated with constructing the dwelling. This does not however outweigh the considerations that led to my conclusion on the first main issue.

Conclusion

17. For the reasons set out above, I conclude that it has not been demonstrated that there is an essential need for a new dwelling to accommodate a rural worker on the site. Whilst the development would not significantly harm the character and appearance of the countryside, and would conserve the natural beauty of the AONB, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ian Pick
John Monkman
Philip Monkman

of Ian Pick Associates Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Gary Housden
Head of Planning

DOCUMENTS SUBMITTED AT THE HEARING

- 1 JF & TY Monkman Financial Statements for the Year Ended 5 April 2017.