

Item Number: 9
Application No: 19/00814/FUL
Parish: Aislaby, Middleton & Wrelton Parish
Appn. Type: Full Application
Applicant: Mr Thompson
Proposal: Siting of a temporary agricultural worker's residential static caravan (resubmission to refusal 19/00190/FUL dated 28.05.2019)
Location: Land Off Costa Lane Pickering North Yorkshire

Registration Date: 17 July 2019
8/13 Wk Expiry Date: 11 September 2019
Overall Expiry Date: 8 October 2019
Case Officer: Alan Goforth **Ext:** 43332

CONSULTATIONS:

Aislaby Middleton And Wrelton Parish No response received
Highways North Yorkshire No objections
Environmental Health Officer No response received

Neighbour responses: Stephen Hudson (support), Rob Hicks (support)

SITE:

The application site is a paddock off Costa Lane on the western side of Pickering. The paddock amounts to approximately 0.4 hectares and contains a range of agricultural buildings (livestock housing, storage and workshop) within the yard area and along the south-western boundary. The majority of the paddock comprises grazing land.

There is a large woodland block north of Costa Lane. To the west of the site is a paddock in separate ownership containing an agricultural building/shelter and to the east is the Environment Agency site at High Costa Mill. Further to the east and south east are a series of ponds and hatcheries. To the south is open land north of the beck.

The paddock at Costa Lane has been owned by the applicant's family for 31 years and owned and farmed by the applicant for the last 14 years.

The wider farm holding amounts to 21.80 hectares of grassland in Pickering at Costa Lane, Westgate Carr Lane and Haygate Lane and also further afield rented land at Allerston and Hartoft. The previous application (which was refused earlier this year) related to 11.3 hectares. All land is laid to grass and is both grazed and cut for hay and silage. The land at Hartoft is 8 miles from the application site and the land at Allerston is 7 miles from the site.

The farming business is currently based on the following livestock: a stock bull; 39 ewes plus 70 followers; 15 suckler cows plus followers and 12 calves of which 7 of the heifers are retained to be introduced to the suckler herd. The flock is mainly continental cross ewes which are put to either Texel or Suffolk tup. The sucker herd comprises British Blue cows and some continental breeds. All breeding stock is brought back to the paddock for calving and lambing. All over wintered cattle are kept at the paddock.

HISTORY:

19/00190/FUL- Siting of a temporary agricultural worker's static caravan. REFUSED 28.05.2019.

The application was refused for the following reasons:-

- *It has not been demonstrated that the scale of the proposed enterprise gives rise to an essential functional requirement for a temporary dwelling within the open countryside to accommodate a farm worker at the site.*
- *It has not been demonstrated why an available property in a nearby settlements such as Pickering or Middleton is not suitable to fulfil the functional needs of the farm enterprise.*

This application is a resubmission of the above application.

PROPOSAL:

Siting of a temporary agricultural worker's residential static caravan (resubmission to refusal 19/00190/FUL dated 28.05.2019)

In summary the main differences from the previous application are as follows:-

- Increase in landholding (grassland increased from 11ha to 22ha)
- Increase in breeding ewes to 60 by year 3
- Increase in standard man days (SMDs) from 203 to 280 by year 3
- Minimum requirement of 1 full time labour unit by year 3 (previously a minimum of 0.74 units)
- Alternative accommodation discounted as the dwelling is stated to be needed within 'sight & sound' of the breeding livestock

The proposed static caravan would be sited parallel to the northern boundary adjacent to the entrance to the site.

The static caravan would have a footprint 42m² and would stand 3.1m high to the eaves and 3.5m high to the ridge of the shallow pitched roof. Internally the building would comprise three bedrooms, a bathroom and an open plan kitchen/ living area. The entrance to the building would be in the south facing elevation. The area to the front, southern side of the static caravan would be used for parking and outdoor amenity space.

The applicant is accompanied by a revised Design and Access Statement and an Agricultural Appraisal for the proposed farm worker's accommodation.

The applicant wishes to expand the existing farm operation based at the paddock to one which they consider supports a full time worker. The temporary accommodation is required for the management and welfare of livestock and would allow a farm worker to be in close proximity to the breeding livestock (cattle and sheep). The expansion of the farm is based on projected increases in numbers of livestock and the adoption of a suckler herd. The suckler herd represents a change to the applicant's previous cattle rearing policy which until 2017 had been based on purchasing calves at 3-6 weeks of age to be fattened and then sold to market at 15-20 weeks of age. However, the applicant states that in recent times the cost of purchasing store cattle for fattening left very little margin from the onward sale.

The applicant intends to rear livestock for sale at local meat and produce markets and gradually expand the cattle herd (by retaining home bred heifers) and also increase the flock to 60 breeding ewes.

The agent representing the applicant states that the growth to date has only been achieved by the applicant's efforts, which has allowed for its forecast growth to increase over and above that initially expected (that detailed in the earlier application). The applicant intends to sustain and grow the business.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
Local Plan Strategy -Policy SP9 The Land-Based and Rural Economy
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP21 Occupancy Restrictions

Material Considerations

National Planning Policy Framework 2019 (NPPF)

National Planning Practice Guidance 2014 (PPG)

REPRESENTATIONS:

The Authority has received two representations in support of the application from a local representative of the NFU and a representative of Grace Lane Vets, Kirkbymoorside.

The letter from the local representative of the NFU states:

“The UK livestock industry continues to demonstrate a progressive approach to both business and production and therefore maintain the need to reinvest for a sustainable future. Living onsite where ever possible, due to the close proximity to the livestock, enables an increased level of animal husbandry, security and welfare now demanded by retailers and consumers alike”.

The letter from the representative of Grace Lane Vets states:

“Our practice has provided veterinary services for Mr Thompson for some 10 years; during this time the husbandry of his cattle & sheep has always been to a high standard with a high level of health and welfare. In view of his plan to increase the numbers of both his breeding ewes and breeding cows I would consider it vital that Mr Thompson or a stockperson is able to live on site particularly during the lambing and calving seasons in order to maintain the ongoing health and welfare of all the stock on the premises. ”

APPRAISAL:

The application site is outside of development limits and within the open countryside.

The applicant seeks permission for on-site residential accommodation for a temporary period of 3 years to allow the existing farm operation to expand. To allow this the applicant states that the static caravan is required as essential accommodation for an on-site worker at the paddock.

Policy SP9 (The Land-Based and Rural Economy) states that *“Ryedale’s land-based economy will be sustained and diversified with support for: New buildings that are necessary to support land-based activity and a working countryside, including for farming, forestry and equine purposes”*. The

supporting text of Policy SP9, at paragraph 5.35, states “*This Strategy is intended to support and be flexible to the needs of those who rely on the land-based economy*”. The potential advantages of an agricultural dwelling to support the expanding farming enterprise are understood. However, the main considerations in this case are whether there is an essential need for a worker to live at the site (paragraph 79 of the NPPF & Local Policy SP2); and also whether the development is appropriate in terms of its siting and impact on the open countryside.

At the national level paragraph 79 of the NPPF (2019) states that “*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply (inter alia): a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside*”.

At the local level Policy SP1 (General Location of Development and Settlement Hierarchy) states that “*In the open countryside development will be restricted to that: which is necessary to support a sustainable, vibrant and healthy rural economy and communities*”. In addition the relevant part of Policy SP2 (Delivery and Distribution of New Housing) states that in the wider open countryside new housing will be limited to “*New build dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified*”.

The starting point is the establishment of the ‘essential need’. The NPPF does not refer to specific tests but requires that the development is sustainable. PPS7 was superseded by the NPPF in 2012 although Annex A of PPS7 provides useful guidance on the matters that could be considered as justification. The general method for determining this is through applying a ‘functional’ test to establish a need for a dwelling and a ‘financial’ test to demonstrate the viability of the farming enterprise.

Functional requirement

The applicant states that there is an essential need for a temporary residence on-site to serve the expanding farm and with the requirements of Policy SP21(c)(ii) in mind seeks a time limited permission of three years. At present this represents a limited holding that centres on a 0.4ha paddock with relatively low livestock numbers. It is acknowledged, however, that there are plans for a steady expansion of the enterprise and the applicant has also secured tenancies for other land that now amounts to 22 hectares. The intentions of the applicant are understood and the investment made in the farm to date is acknowledged.

The main arguments for on-site accommodation relate to animal welfare and the need for day and night care within sight and sound of the livestock during calving and lambing to reduce unforeseen deaths.

The applicant has changed the cattle rearing policy from buying in store calves to rearing their own calves and the adoption of a suckler herd. The applicant states that the suckler herd requires 24 hour supervision during calving which normally takes place during Spring and Autumn but will take place all year round. The applicant states that lambing can cover a 12 week period in Spring during which time 24 hour supervision is required and the applicant explains that due to the breed of the sheep the applicant is required to assist with 80-90% of births.

The labour requirements relate to the enhanced expansion of the sucker herd that, by year three, would comprise 28 suckler cows plus five followers and 33 calves (previously forecast at 25 suckler cows plus four followers and 25 calves). It was previously forecast that the sheep flock numbers would generally remain stable at around 39 ewes plus lambs during this period, however, it is now expected that by year three there would be 60 ewes and 105 lambs. As a result of the improved growth forecast the standard man days (SMDs) would increase from 145 in year one to 280 in year three. The existing farm enterprise at the paddock has been operated as a side line to the applicant’s existing job and it currently requires a minimum of 0.52 full time labour units. The applicant’s decision to expand farm business would give rise to requirement for a minimum of 1.02 labour units (previous application required 0.74 units) at year three.

The existing and future livestock numbers have been considered along with the associated projections

for SMDs and required labour units. It is acknowledged that breeding stock can present challenges in terms of safeguarding the welfare of the animals during birthing. However, the farm is a relatively small livestock enterprise and, despite the increased projections on the livestock numbers, it is not considered that the existing and projected enterprise is of a scale sufficient to warrant on site accommodation.

The applicant also states that on-site presence would increase security at the site. The northern boundary of the site comprises an established hedge in excess of 2 metres in height and a solid boundary fence on the inside of the hedge. The entrance has steel framed wire mesh gates topped with barbed wire. Signs on the gates indicate that the site is covered by CCTV. Case law has shown that improved site security is not generally accepted, by itself, as essential justification for on-site accommodation.

With regard to CCTV it is considered that the functional requirement for monitoring of breeding livestock outside of normal working hours could be addressed by modern technology in the form of calving/lambing cameras that can be installed in the farm buildings and linked to mobile devices remote from the site. This would allow the applicant to be on-call to respond to any emergencies and within a few minutes' drive of the paddock.

Irrespective of the inherent demands of the farm business, an important part of the assessment as to whether residential accommodation at the site would be essential in order to support the farm business, is the question of whether there is already suitable alternative existing accommodation available in the area.

Other available accommodation

The applicant states that considerable hardship arises from travelling the 2.7 mile journey from their current home on the eastern side of Pickering (Shepherds Hill) to the paddock which can, on occasion, take in excess of 30 minutes during the summer holiday period. In addition, during winter months, heavy snow can prevent access along Costa Lane. The applicant states that the poor weather conditions, heavy traffic and travel times during lambing and calving are reasons for having on site accommodation to ensure the welfare of livestock and reduce unforeseen deaths.

However, it is for the applicant to show that the functional need could not be fulfilled by any other accommodation which is suitable and available for occupation in the area. It is understood that the applicants' have owned the property at Shepherd's Hill, on the eastern side of Pickering, since circa 2012.

The applicant's supporting document explains how, as a result of the change in their cattle rearing policy, the management of the enterprise has increased considerably and the applicant states that their current accommodation "*is not conveniently located to assist with emergencies and for regular monitoring*". The supporting statement also highlights that the distance that the applicant and his wife currently reside from the holding is impractical in terms of the functional requirement of the enterprise and the time spent travelling alone, never mind the costs involved with fuel, is also affecting social aspects of their lives such as having less time available to spend with family. However, limited weight is afforded to these arguments for on-site accommodation.

There are no other residential properties within the applicant's landholding or immediate to the application site. Alternative accommodation has been discounted by the applicant who states that to fulfil the functional need the dwelling has to be within 'sight and sound' of the breeding livestock and therefore on-site at the Costa Lane paddock. However, the application site is in relatively close proximity to the western side of Pickering and also south of the village of Middleton. Within Pickering there is existing residential development on Westgate Carr Road, Costa Way, Manor Drive and the western end of Firthland Road less than 1.5 miles from the site and within a few minutes' drive. In addition there is new housing currently being constructed off Firthland Road (Manor Vale).

The applicant has highlighted that on-site accommodation would eliminate the regular journeys to and from the site that currently take place during periods of calving and lambing (5.4 mile round trip) and give rise to environmental benefits from fewer vehicle movements. Whilst this is a material consideration it does not go to the heart of the acceptability of the proposal particularly given that the

wider holding includes parcels of land further from the site than the applicants' property on Shepherds Hill and there are residential properties available closer to the application site.

At the time of the previous application an online search of available property in the area returned a list that included 2no. three bed properties on Manor Drive and 2no. three bed properties at the western end of Firthland Road for sale under £180k. In addition there was a three bed bungalow available to let on Westgate Carr Road.

At the time of writing this report there are 3no. three bed properties for sale in Middleton the cheapest being £205,000 and a new build three bed property on Manor Drive at £215,000 and 2no. three bed properties at the western end of Firthland Road for £160k and £170k. In short, it is considered that there is steady supply of suitable and available accommodation within 2 miles of the paddock.

It is the essential functional requirement of the farm enterprise that dictates the locational need for on-site accommodation rather than the personal preferences or circumstances of any individuals involved. The applicant states that their current accommodation is not conveniently located for regular monitoring of the livestock or for emergencies during birthing. However, due to the applicant's stated requirement for accommodation within sight and sound of the livestock, the application contains no details relating to a search for other suitable accommodation closer to the paddock such as an available property on the western side of the settlement within a few minutes' drive to the application site.

The applicant has made a decision to change the cattle rearing policy and intends to increase the breeding flock with the emphasis on living within sight and sound of livestock, however, they do still have control over the general times of year that calving and lambing takes place and they could provide cover on those limited times when they are due to give birth outside of normal working hours by a temporary mobile caravan. Furthermore, the applicant states that alternative accommodation in Pickering and Middleton would not mitigate against the difficulties faced in travelling though both adverse weather conditions and through the busy tourist season. However, this not compelling justification as alternative, available accommodation on the western edge of town, closer to the application site than the existing property occupied by the applicant, would be more convenient in terms of travel distance and time and would significantly reduce the difficulties encountered with weather and traffic. Again, the key word is 'essential', it should not be merely more convenient for the applicants' to live on site.

Financial test

The applicant describes the farm enterprise as long established and financially sound. In terms of the requirements of Policy SP21 the enterprise is not new but the applicant intends to change their cattle rearing policy and expand the business with a larger flock of breeding ewes and expect it to provide an income suitable for a single full time agricultural worker (Mr Thompson). The application details indicate that in recent years the applicant has invested in mains water and electricity connections, the herd and flock, livestock handling facilities and a cattle trailer.

The application includes details of the improved forecasted net margins over the next three years that increases to £27, 631 by year three (previous application forecast £21k). In considering the financial viability of the business it is acknowledged that the farm is established and has been operated by the applicant for a number of years. It is accepted that the expanded business has the potential to provide an income suitable for a single full time agricultural worker.

Design and impact on open countryside

As highlighted above the application site is within the open countryside where national and local planning policy precludes the provision of new dwellings other than those essential in the interests of agriculture or forestry. In terms of the site specific design considerations the proposed building will be sited adjacent to the access to the site and close to the existing buildings within the farm yard. It is relatively small in scale, benefits from screening provided by the established boundary treatment (tall hedgerow) and as such will not have a significant adverse impact on the character or appearance of the open countryside and would not be contrary to the design requirements set out in Policy SP16.

Amenity impact

It is not anticipated that the temporary static caravan and its occupation would give rise to a material adverse impact on the amenity of users or occupants of neighbouring land and buildings and would not result in any unacceptable risks in terms of pollution or disturbance in compliance with Policy SP20.

The site layout plan indicates that the static caravan would be sited within a few metres of an open sided building used to house livestock. The area to the front, southern side of the static caravan shown as amenity space would be immediately adjacent to the livestock building. Whilst the siting of the static caravan in close proximity to the livestock building may not be harmful or impractical it could be considered undesirable in terms of the living conditions and levels of amenity enjoyed by the occupants of the static caravan. Nevertheless this is a decision for the applicant and, in itself, would not be sufficient reason to refuse the application.

Other matters

No response has been received from the Parish Council and there are no objections from the Local Highway Authority.

Conclusion

The adopted Development Plan allows for temporary residential accommodation to support rural enterprises where the need is justified.

It is accepted that the development would not significantly harm the character and appearance of the open countryside or have any material adverse impact on the amenity of users or occupants of neighbouring land and buildings or on the safety of users of the highway network.

The enhanced growth forecast in terms of livestock numbers is acknowledged and the applicant's intention and ability to further develop the enterprise is not disputed but concerns remain in relation to the overall scale of the farm operation warranting on site accommodation. However, it is the functional requirement that is the main concern and it is considered that the applicant's arguments for on-site accommodation are not compelling and it is considered that the accommodation would be more convenient but not 'essential' and that is the key test.

It is accepted that at certain times of the year during calving and lambing it would be desirable to be on site within sight and sound of the livestock outside of normal working hours to ensure that the welfare of livestock is not at risk. However, the applicant does have a reasonable degree of control over calving and lambing seasons and it is considered that a combination of; living closer to the paddock at an existing, available dwelling within a few minutes' drive of the site; access to a temporary mobile caravan to provide on- site shelter when required; and the use of modern technology to monitor livestock at the paddock linked to mobile devices would mean that it is not essential to live on-site.

The absence of conflict with policies SP16 and SP20 does not outweigh the fundamental consideration that the applicants have not satisfactorily demonstrate the essential functional need for a temporary worker's dwelling at the site and that the essential need cannot be met by existing suitable and available property in the area.

It is considered that the application does not demonstrate an essential need for residential accommodation at the site. In conclusion, the proposed accommodation would not be appropriately located at this site and is likely to give rise to conflict with Local Plan policies SP1, SP2, SP19 and SP21 and there are no compelling arguments or material considerations of sufficient weight to justify a departure from the Development Plan.

RECOMMENDATION: Refusal

It is considered that the development does not accord with the aims of paragraph 79(a) of the NPPF and is contrary to the requirements of policies SP1, SP2, SP19 and SP21 of the adopted Ryedale Local Plan Strategy (2013) for the following reasons:-

1. It has not been satisfactorily demonstrated that the proposed enterprise gives rise to an essential functional requirement for a temporary dwelling within the open countryside to accommodate a farm worker at the site.
2. It has not been satisfactorily demonstrated why an available property in the nearby settlements of Pickering and Middleton is not suitable to fulfil the functional needs of the farm enterprise.

The proposal is therefore contrary to policies SP1, SP2, SP19 and SP21 of the adopted Ryedale Local Plan Strategy (2013) and there are no material considerations of sufficient weight to warrant a decision contrary to the adopted Development Plan.