

Item Number: 12
Application No: 22/01100/FUL
Parish: Kirkbymoorside Town Council
Appn. Type: Full Application
Applicant: Mr and Mrs Richardson (Moorside Alpacas)
Proposal: Erection of 1no. one bedroom agricultural workers dwelling with associated landscaping and parking.
Location: Land At Os Field 0068 Ings Lane Kirkbymoorside North Yorkshire YO62 6DN

Registration Date: 21 October 2022
8/13 Wk Expiry Date: 16 December 2022
Overall Expiry Date: 22 November 2022
Case Officer: Alan Goforth **Ext:** 43332

CONSULTATIONS:

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| Highways North Yorkshire | No objection |
| Kirkbymoorside Town Council | No response received |
| Yorkshire Water Land Use Planning | No response received |
| Designing Out Crime Officer (DOCO) | Comments- dwelling would reduce likelihood of crime |

Representations (8): Susan Carter, Richard Milestone, B E & S Hodgson, Lynn McCann, Stephen Hudson of Grace Lane Vets, Steve Collier, Janice Smith, Thomas Maczka (*all support*)

BACKGROUND:

The application is to be determined by Planning Committee as the recommendation is for refusal where there is support for the proposal from third parties on material planning grounds.

SITE:

The application site relates to Moorside Alpacas which is based at a smallholding on the southern edge of Kirkbymoorside. The business, which was started at the site approximately 19 years ago, comprises the keeping and breeding of primarily alpacas but also pedigree sheep and the sale of breeding stock and wool. There are also non-agricultural elements to the business in the form of leisure activities such as alpaca walks and experiences. The existing livestock comprise a herd of 26 pedigree alpacas; 7 llamas; a flock of 24 breeding sheep; 8 tups; 2 Shetland ponies; and chickens, geese and ducks.

The application site is within the open countryside south of Kirkbymoorside. Access is gained off Ings Lane to the west. The site is an agricultural holding amounting to approximately 9 hectares (22 acres) of which 2 hectares are rented. The site is approximately 150 metres from the defined Development Limits of Kirkbymoorside. There are two large agricultural buildings on the site (see planning history below); a small stone barn; a timber shed, a polytunnel and various mobile field shelters. There is a static caravan to the east of the yard which currently functions as a welfare unit and office/reception space and there is a touring caravan in a grass paddock on the western side of the site.

The nearest residential property is Lund Barn holiday cottage which is situated on the Ings Lane frontage immediately to the north of the access to the site. Public footpath number 25.54/25/1 takes a south east alignment from Carter Lane to Kirkby Mills and is 200 metres from the site at its closest point. The site is within Flood Zone 1.

HISTORY:

20/00674/AGNOT- Erection of general purpose agricultural building for the storage of hay, straw, feed and equipment. APPROVED 12.08.2020.

06/00640/FUL- Erection of general purpose agricultural storage building to include housing of livestock and formation of associated access track and apron (revised details to refusal 05/01310/FUL dated 23.12.2005). APPROVED 27.09.2006.

05/01310/FUL- Erection of general purpose agricultural storage building and formation of associated access track and apron. REFUSED 23.12.2005

PROPOSAL:

Planning permission is sought for the erection of 1no. one bedroom agricultural workers dwelling with associated landscaping and parking.

The proposal is for a permanent dwelling to be used by the applicant's in conjunction with the agricultural business. The proposed dwelling would be single storey and sited approximately 82 metres east of the public highway and 7.5 metres west of the agricultural storage building on the southern side of the track which runs through the yard.

The proposed dwelling would have an 'L' shape footprint with a pitched roof with the main roof line being in the same orientation as the adjacent outbuilding (east-west). The proposed dwelling would have an internal floor area of approximately 120m² and externally would have a maximum length of 15.1 metres and gable width of 8.2 metres. The building would stand 2.7 metres to the eaves and 5.6 metres to the apex.

Externally the building would comprise vertical timber cladding with metal standing seam to the roof. There would be solar photovoltaic panels on the south facing roof slope and an air source heat pump installed off the eastern elevation of the building. A ramp would be installed to provide level access to the entrance in the northern elevation. There would be parking for two vehicles adjacent to the north west corner of the dwelling.

Internally the dwelling would comprise one bedroom, bathroom, utility room, WC, open plan kitchen/dining/living area and an office and storage room. The office will be used for the running of the business.

The site will adopt a sustainable drainage system for surface water and foul water will be directed to a package treatment plant.

The applicant has confirmed that should permission be granted the two caravans currently on site would be removed upon completion of the construction work.

The application is accompanied by an Agricultural Justification report (copy attached to this report) which explains that it is intended to develop the alpaca breeding programme and increase the quality and value of the breeding sheep. It argues that a presence is required day and night for animal welfare (within 'sight and sound') and for security reasons. The applicant's Agricultural Justification report concludes that there is a functional need for a dwelling on the site.

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 (RPLPS) 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 SP8 - Tourism

Local Plan Strategy - Policy SP9 – The Land-Based and Rural Economy

Local Plan Strategy - Policy SP13 - Landscapes

Local Plan Strategy - Policy SP14 - Biodiversity

Local Plan Strategy - Policy SP16- Design

Local Plan Strategy - Policy SP17 - Managing Air Quality, Land and Water Resources

Local Plan Strategy - Policy SP18 – Renewable and Low Carbon Energy

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 (NPPF)

National Planning Practice Guidance (PPG)

REPRESENTATIONS:

The LPA has received a total of 8 representations all of which confirm support for the application. The reasons for support are summarised as follows:-

- The dwelling is necessary for the welfare, safety and security of the animals especially during lambing time and when the alpacas are giving birth
- The applicants cannot always be on site travelling backwards and forwards to attend to the welfare of their animals
- The applicants living on site will be able to take fast action when emergencies arise and avoid the loss of animals
- The applicants are dedicated to improving their land and raising stock and manage all their stock to a very high standard of husbandry and a dwelling will secure this unique and inspiring livestock business
- The unoccupied small holding has had problems in the past with farm equipment being stolen and a dwelling would improve the security of all the equipment on site
- A dwelling at this site will not adversely affect the amenity or aesthetics on this southern border of Kirkbymoorside
- Living on site will improve the applicants carbon footprint

APPRAISAL:

Principle of the development

Policy SP1 (General Location of Development and Settlement Hierarchy) in the Ryedale Plan- Local Plan Strategy (2013) sets out a hierarchy of settlements and seeks to focus new development within the Principal Towns, Market Towns and Service Villages. The site is outside of the development limits of Kirkbymoorside and is, therefore, within the open countryside for planning purposes.

The proposal is for a permanent worker's dwelling associated with the agricultural business at the site.

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 broad advantages of an agricultural workers dwelling to support the 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 80 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 80 of the NPPF 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"*.

Policy SP21(c), which relates to occupancy restrictions relevant to agricultural/forestry/land-based activity, states:-

"(i) Proposals for new residential development in the open countryside (outside Development Limits) to support land-based activity, will be required to demonstrate an essential need for the dwelling that cannot be met elsewhere.

A condition will be applied requiring that the dwelling remains available in perpetuity for use by a person/s employed full-time in agriculture/forestry or other enterprise for which a dwelling in the particular location is considered essential.

(ii) Time restricted conditions and occupancy conditions will be applied to temporary residential accommodation to support a new farming/forestry/ rural enterprise activity where the need for the accommodation can be justified. Such accommodation will take the form of a caravan or wooden structure which would be supported, normally for a period of three years".

The starting point is the establishment of the 'essential need'. 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 business.

The NPPF does not refer to specific tests but requires that the development is sustainable. National Planning Practice Guidance states the following:-

"How can the need for isolated homes in the countryside for essential rural workers be assessed?

Considerations that it may be relevant to take into account when applying paragraph 79a [now paragraph 80] of the NPPF could include:

- *evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*

- *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period”.*

Functional requirement

The agricultural business centres on producing pedigree livestock with the submitted Agricultural Justification report explaining that *“the Bluefaced Leicester sheep used to produce tups that are sold onto other farms for breeding. With the alpacas breeding males and females are sold to other keepers for breeding as well. The Swaledale sheep provide a means of checking how the Bluefaced Leicester sheep perform when crossed with a hill ewe, so that the sheep breeding programme can be continuously improved, (the majority of the applicants customers will use the Bluefaced Leicesters for crossing onto hill breeds)”.*

The applicant’s Agricultural Justification report estimates that the labour requirements for the holding is 1.24 labour units and therefore a full time worker is required. The applicants have previously been employed in non-agricultural work but one of the applicant’s has recently started to work at the holding on a full time basis to fulfil the labour requirement and provide the opportunity to increase their livestock enterprise.

The applicant has explained that the business will continue to invest in the quality of the breeding stock and it is anticipated that by 2026 there will be 35 breeding alpacas, and around 30 breeding sheep, with poultry numbers being maintained as existing.

It is accepted that the holding, in terms of stocking capacity, can support the increased numbers of alpacas and sheep and it is clear that the applicants’ have invested in buildings, vehicles and equipment to manage the livestock and the land.

The applicants’ supporting document summaries the animal welfare challenges involved with alpaca breeding and lambing sheep.

The applicant’s supporting information explains that alpacas can give birth on a year round basis, but it is not possible to synchronise births effectively, as compared to cattle and sheep they have a much greater range in their gestation periods, which can be from 48 to 53 weeks. The timing of the birth itself is difficult to predict as alpacas often show no outward signs of impending birth. Alpacas are also prone to birthing difficulties meaning they need additional close monitoring by a skilled individual compared to other livestock when giving birth.

In terms of lambing the application states that the two different breeds of sheep (Bluefaced Leicesters and Swaledales) kept by the applicants lamb at different times. The applicants explain that in the weeks before and after lambing, sheep are particularly prone to metabolic diseases such as “twin lamb disease” whereby the ewe would need very rapid treatment or she and lambs can be lost.

Furthermore, Bluefaced Leicesters typically have at least two lambs, and three or four lambs is not uncommon. The applicants explain that when a ewe has this many lambs, she needs much greater assistance during the lambing process than when compared with sheep that only have one lamb. During the lambing period the sheep will generally need much greater out of hours care.

The applicant’s main ‘essential need’ arguments for the on-site dwelling relate to animal husbandry and to be within ‘sight and sound’ of the land and buildings. The applicant’s currently live within Kirkbymoorside approximately 10 minutes’ drive from the site. It is accepted that their existing accommodation does not fulfil the need to be within ‘sight and sound’ of the livestock.

The proposed dwelling would be sited approximately 30 metres from the existing livestock building, which would ensure that the occupants are close enough to the stock for emergencies or to hear of any distress and act quickly. The office and main living space within the dwelling overlook the main grazing field to the south of the proposed building. It is clear that the dwelling would allow the occupants to be within 'sight and sound' of the livestock.

With regard to site security it is accepted that the siting of the dwelling would provide for passive surveillance of the access, yard, buildings and fields to the south. The Police Designing out Crime Officer states that the erection of a dwelling on a site would assist with natural surveillance and increase the chance of a criminal being caught and therefore would have a positive impact on reducing the likelihood of crimes occurring at the site. Avoiding loss of quality stock is significant; breeding female alpacas command a high value at present compared with other livestock.

The Council has sought an opinion from an agricultural consultant in order to reach an informed view on the functional need and financial soundness of the business. A copy of the Council's Agricultural Consultant response is attached to this report.

The Council's agricultural consultant notes that there is an increased risk of problems occurring with breeding alpacas due to the length and unpredictability of the gestational period. Furthermore, the Council's agricultural consultant acknowledges that alpacas can encounter complications when giving birth and require intervention. A newborn cria requires their airways to be cleared and they need a high degree of observation to ensure that they are accepted by the dam and the dam allows them to drink. In a supporting letter to the Council the applicants have described situations where intervention was required and cria and lambs were lost due to someone not being on site to assist.

The Council's agricultural consultant states that *"Because of this, and the quantity of alpaca giving birth, throughout the year it is considered that there is a functional need for someone to be living on site. It is also noted that there are sheep on site. Whilst the sheep numbers are minimal, they also add to the requirement for someone to be living on site"*.

Taking account of the applicant's Agricultural Justification report and the views expressed by the Council's agricultural consultant it is accepted that an on-site presence would enable unforeseen circumstances to be addressed swiftly whenever they occur, thereby preventing distress to animals or more severe consequences.

It is considered that the livestock enterprise requires essential care to be available on-site at short notice both day and night on a year round basis. There is a functional need for a full time worker to be based at the site in the interests of livestock welfare. It is considered that there is sufficient justification for an on-site dwelling for a full time worker which is not met by the existing housing stock in the surrounding area.

Financial test

In order to meet the essential need test of paragraph 80(a) of the NPPF it is reasonable to require evidence of financial viability so as to reasonably demonstrate that a business is likely to endure in the long term, thereby minimising the risk of a dwelling becoming an isolated home in the countryside contrary to the intention of paragraph 80(a) of the Framework.

National Planning Practice Guidance reiterates that in assessing the essential need it is relevant to take account of *"the degree to which there is confidence that the enterprise will remain viable for the foreseeable future"*.

Moorside Alpacas is long established but has only recently provided full time employment for an individual with both applicant's previously being employed in non-agricultural sectors.

The applicant's Agricultural Justification report confirms that *"the business has not made a profit in the last three years, as it has been investing in greater livestock numbers and growing the business as a whole, including building a new shed"*.

The applicant explains that they are now in a position to concentrate on their farming enterprise and can dedicate more time to attending farming events and marketing the alpacas and Bluefaced Leicesters in particular to maximise the value of their livestock.

In addition to the agricultural operation the applicant states that *“Margins will be further increased by people coming to Ings Lane to have alpaca experiences, such as feeding, grooming and walking with them. Typical charges for sort of activity are £25 per person, for a 90 minute period”*.

An essential need for accommodation such as that proposed can only arise from an economic activity in the countryside. It is therefore very relevant that the circumstances of the business, its degree of establishment, profitability, financial soundness and economic viability must all be considered in order for the Council to be satisfied that the essential need will continue for a reasonable period of time.

The conventional measure of viability is a level of profit that rewards the otherwise unpaid full time labour of the proprietor.

The application is accompanied by accounts from the last three years and future profit forecasts and a business plan.

The Council’s Agricultural Consultant has reviewed the accounts provided by the applicant and has explained that *“When assessing whether an enterprise is financially sustainable, we ideally look for a profit of approximately £20,000 - £22,000 which would cover any unpaid labour. Within the accounts for the years 2020 and 2021 the Applicants have made a loss in both years”*.

However, the budgets presented by the applicant indicate that the business is not expected to make in excess of £20,000 in profit until the year 2026.

The applicants intend to increase stocking numbers of breeding alpacas and breeding ewes which in turn will have a positive impact on the overall profit. The submitted Agricultural Justification report states that the alpacas when sold should average £2,250 per head, with a range of £1,500 to £3,000 per animal for breeding animals and £700 for non-breeding males. The Bluefaced Leicester tups will average £550 per head, with a range of £300 to £800 each.

The increase in the value of the herd does not equate to income as insufficient sales have been made to realise that increase. An increase in the value of the herd should not be recognised as profit. The Council would reasonably expect to see profit generated from actual livestock sales.

The Council’s Agricultural Consultant notes that in addition to the Agricultural Justification report the applicant has provided a forecast produced by their accountants. The forecast differs to the budgets (which suggest the business is deriving most of its income from the alpaca breeding, wool sales and the Blue Faced Leicesters) and show that the business is strongly dependent on the ‘Alpaca Animal Experience’ income.

The initial submission indicated that the alpaca experience day activities are intended to be secondary to rearing alpacas with income expected to steady increase from £1,625 to £2,800 per year between the years 2023-2026. However, the forecast document provided by the applicant’s accountant shows a revised annual income in excess of £13,300 from alpaca experience activities. That level of income is out of proportion with that anticipated in the budget accounts that were initially submitted with the planning application. There is no commentary to explain why the forecasted income from the leisure activity offering are substantially above those stated in the earlier budget accounts.

The Council’s Agricultural Consultant states that it is important to note that within the Town and Country Planning Act 1990, Section 336 defines agriculture as *“”agriculture” indicates horticulture, fruit growing, seedgrowing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds,*

and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly”.

It is accepted that there are instances where the worker is not solely engaged in agriculture and it may be appropriate to consider some agricultural activities blended with some associated/secondary/ancillary activities in respect of the justification for a rural worker’s dwelling.

Nevertheless agricultural activities must be substantive and must represent convincing justification for allowing a dwelling in an open countryside location.

The non-agricultural activities are forecast to be a significant income stream and there is an absence of robust evidence to show that income from the sale of livestock and related products generated on an ongoing basis will be sufficient to make the business viable for the foreseeable future.

The Council’s Agricultural Consultant states that *“It is unclear whether the forecast or business plan is more fitting to the Applicant’s business plan, however, it would be advised that should it follow the forecast, the agricultural business would not been seen as profitable, as it would be heavily reliant on the leisure activity side of the business”*. The Council’s Agricultural Consultant has concluded that *“Based on the above, at this time, I do not have confidence that the business would remain viable”*.

Whilst the applicants have the experience, ability and commitment to make a success of the enterprise, there is little by way of evidence to demonstrate that the business is financially sound with a clear prospect of remaining so.

The financial figures indicate that the enterprise could support a full time worker by 2026, however, the forecast shows that the business would be dependent on a significant income stream forecast to be generated by alpaca related leisure activities. In terms of livestock sales there is an absence of profit (to prove a full time worker’s wage) as the value of the livestock is still being built up. In light of this it is considered premature to seek a permanent dwelling without a financial track record illustrating positive margins.

Based on the evidence available at this time the LPA is not confident that the enterprise will be financially viable for the foreseeable future and cannot be satisfied that the essential need will continue for a reasonable period of time to justify a permanent dwelling in the open countryside.

Design and impact upon the open countryside

Policy SP16 (Design) requires that the location, siting, form, layout, scale and detailed design should respect the context provided by its surroundings and be well related to existing farm buildings and any adjacent land uses. In addition, as required by Policy SP20 (Generic Development Management Issues), the development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings.

The proposed dwelling is a modest, single storey worker’s dwelling and the use of timber cladding to the walls and a metal standing seam roof allows the new addition to assimilate with the adjacent farm sheds. The dimensions of the building are not excessive, being proportionate to the needs of a farm worker, and the building is relatively low profile in terms of size and form.

The nearest public right of way is approximately 200 metres to the north east. The proposed dwelling would sit within its own clearly defined curtilage at the entrance to the yard. The proposed dwelling is beyond the development limits but would be set against a backdrop of the existing agricultural buildings.

In terms of siting and scale the proposed building would not appear isolated or incongruous or have an adverse impact on the skyline or wider landscape. Due to topography and the screening provided by the existing mature roadside hedge the building would not be prominent when viewed from Ings Lane.

The external materials and colour finishes reflect the rural context and it is considered that the proposed building of this scale and form in this location would not result in unacceptable detrimental effect on the character or appearance of this part of the open countryside to give rise to conflict with Policies SP16 and SP20.

The design will incorporate on-site renewables in the form of solar photovoltaic panels on the roof and an air source heat pump in line with Policy SP18.

Residential Amenity

It is not anticipated that the dwelling 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 bungalow would be in relatively close proximity to existing farm sheds (within 'sight and sound'). As the dwelling would be associated with the existing farm enterprise and occupied by a worker involved in the day-to-day operation of the smallholding it is considered that any harm to the occupant's amenities would not be unreasonable and not dissimilar to a typical farmhouse near to livestock buildings. In light of this the proposed development would not conflict with the relevant part (Amenity and Safety) of Policy SP20.

Highways

Policy SP20 advises that *"Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads"*.

The proposed dwelling would be served by the existing access off Ings Lane to the west of the site and there is adequate visibility. The proposal makes satisfactory provision for parking and turning of vehicles on site. There are no Local Highway Authority objections to the proposed development and it is considered that the dwelling can be accommodated without giving rise to conditions prejudicial to highway safety in accordance with Policy SP20.

Temporary permission

In instances where viability cannot yet be demonstrated it may be more appropriate to seek planning permission for temporary on-site accommodation.

Policy SP21(c)(ii) in relation to occupancy restrictions states *"Time restricted conditions and occupancy conditions will be applied to temporary residential accommodation to support a new farming/forestry/ rural enterprise activity where the need for the accommodation can be justified. Such accommodation will take the form of a caravan or wooden structure which would be supported, normally for a period of three years"*.

The proposal does not relate to a new enterprise but clearly the existing enterprise is evolving as the applicant's seek to expand their business and stocking numbers of pedigree livestock. The lack of on-site presence has limited the applicant's ability to grow the business.

Provisions are made for temporary accommodation where the need for an agricultural dwelling is proven, allowing for evidence of sustained viability before a permanent dwelling is considered. A temporary dwelling would allow for the expansion/growth of the business over a three-year 'trial run' period allowing time for the sustainability of the evolving enterprise to be demonstrated.

However, the applicants have made it clear that a temporary permission is not being considered and is not what has been applied for and there are no plans to seek permission for temporary accommodation. The agent representing the applicants states that *"A temporary home would only make them incur large costs and seriously jeopardize the financial viability of the business."* As a result the application for a

permanent workers dwelling falls to be determined as submitted.

Conclusion

The site is within the open countryside where applications for new dwellings need to satisfy the policy test set out in paragraph 80 of the NPPF and corresponding requirements set out in Local Plan Strategy Policies SP1, SP2 and SP21(c).

The design, scale and siting of the proposed dwelling is appropriate and proportionate to the identified need. The dwelling would not appear isolated in relation to existing buildings and would be sensitive to the character and visual amenity of the open countryside. There would be no unacceptable landscape or visual impacts, no amenity concerns and the proposed dwelling would not be detrimental to highway safety.

The main issue is whether there is an essential need for a full-time worker to be permanently resident within a dwelling at the site. 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 enterprise.

It is considered that the livestock enterprise requires essential care to be available on-site at short notice both day and night on a year round basis. To meet the functional need of the alpacas giving birth on a year round basis and the sheep lambing in two batches, the dwelling needs to be within 'sight and sound' of the land and buildings. It is deemed that there is a functional need for a full time worker to be based at the site in the interests of livestock welfare.

The enterprise has existed for a number of years and the applicants have evidently devoted considerable time, energy and expense to this endeavour. However, the enterprise has been operating at a loss for the last three years.

The financial test requires clear evidence that the business has been planned on a sound financial basis. There is potential for profitability to improve, however, the agricultural business is currently providing insufficient levels of income to meet all of its costs and expenses and the business would not appear to provide an adequate level of income by itself.

The applicant anticipates that the business will become self-sustaining in approximately 3 years providing an income suitable for a full time agricultural worker. However, there is a lack of evidence to show that at the current time Moorside Alpacas represents a financially viable business to warrant a permanent dwelling.

In conclusion, taking account of the views of the Council's Agricultural Consultant, it is considered that the evidence provided by the applicant does not serve to demonstrate an essential need for a rural worker's dwelling at the site and the proposal does not represent sustainable development contrary to the requirements of Policies SP1, SP2, SP19, SP20 and SP21(c) of the adopted Ryedale Local Plan Strategy (2013) and paragraph 80 of the NPPF. As a result the recommendation to Members is one of refusal.

RECOMMENDATION: Refusal

The application site is located outside of development limits and is therefore located within the open countryside as defined by the Ryedale Plan- Local Plan Strategy (2013). The principle of residential development is contrary to the residential development strategy of the District as insufficient justification has submitted to demonstrate an essential need for the proposed dwelling in this open countryside location. The application fails to demonstrate that the business is financially viable to an extent that it would support a new dwelling. In light of the uncertain financial viability, the development if approved would constitute an unjustified new dwelling in the open countryside to the detriment of the rural qualities and undeveloped nature of the locality, contrary to the principles of sustainability

embodied in Policies SP1, SP2, SP19 & SP21 of the Ryedale Plan- Local Plan Strategy and paragraph 80(a) of the National Planning Policy Framework.