

Parish: Thornton-on-the-Hill
Ward: Raskelf and White Horse
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Committee date: 20 September 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 21st September 2018

18/01322/FUL

Description: Change of use of agricultural land and the construction of three modular, earth sheltered eco pods to be used as tourist accommodation and change of use of hardstanding for associated guest parking

At The Baggins, Thornton Hill

For Mr & Mrs Parker-Nicholls

This application is referred to Planning Committee for at the request of a Member of the Council

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The Baggins is a pig farm located on the eastern side of Thornton Lane, north of Easingwold and east of Husthwaite. The farm buildings are located up a farm track and are hidden away from the road by the change in levels and significant trees and hedgerows. The application site is located to the west of the main farmstead on parcel of land that is used for grazing.
- 1.2 The site is located within the Howardian Hills Area of Outstanding Natural Beauty and the applicant has confirmed that their agricultural holding extends to 27.5 acres (11 hectares).
- 1.3 The proposal seeks the change of use of agricultural land and the construction of three modular, earth sheltered eco pods to be used as tourist accommodation and change of use of hardstanding for associated guest parking to the north of the site. The red line site location plan has been tightly drawn to include the car parking area, access to the field, the site for the 3 eco pods and will not permit any change to the remainder of the field for tourist accommodation. The site will be accessed using the existing vehicular access that serves the holding.
- 1.4 Clarity has been sought regarding the internal facilities of each pod. Each will contain a living/kitchen area, one bedroom and one bathroom. They will therefore be self-contained, an amenity block is not required. They will have a floor area of 36 square metres, with a turf roof and maximum height of 2.5 metres. They will be sunken into the southern facing hillside, with one facing east and two facing west to allow for privacy. The applicant has provided photographs of these eco pods in other locations across the country.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

There is no relevant planning history regarding the parcel of land that is the subject of this application. However, there is extensive planning history regarding the site as a whole and this includes:

- 2.1 06/00789/APN - Application for prior notification for the construction of an agricultural building for the storage of agricultural implements, workshop/store and feed store; Refused 5 May 2006.
- 2.2 06/01788/FUL - Revised application for the construction of a free range organic egg production unit and an agricultural building; Refused 3 November 2006.

- 2.3 09/00886/APN - Prior notification for construction of agricultural steel framed portal storage building; Granted 27 April 2009.
- 2.4 10/00106/APN - Prior notification for construction of two feed storage bins and a livestock loading coral; Granted 18 February 2010.
- 2.5 10/00108/FUL - Temporary siting of a log cabin to be used as an agricultural workers dwelling; Granted 1 April 2010.
- 2.6 15/01645/APN - Prior notification for an agricultural building for the storage of straw - Granted 7 September 2015.
- 2.7 15/01555/FUL - Revised application for the construction of an agricultural workers dwelling house and triple garage; Refused 2 September 2015.
- 2.8 16/00430/FUL - Permanent retention of a log cabin for agricultural worker's dwelling; Granted 29 April 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP15 - Rural Regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP25 - Rural employment
 Development Policies DP26 - Agricultural issues
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP43 - Flooding and floodplains
 National Planning Policy Framework - published July 2018

4.0 CONSULTATION

- 4.1 Parish Meeting – the comments from the Parish Meeting are summarised as follows:

Access

- No problem with the actual access to the site which is open and easily driven.
- The narrow lanes of Thornton Hill are of major concern for residents living and working in the area. The traffic has increased substantially on Thornton Hill over the last few years, many more delivery drivers are using this route, together with

large agricultural vehicles and everyday traffic, and this is causing problems with the cyclists which use it as a listed National Sustrans Route. Three accidents have been recorded on the narrow lane in the past year alone.

- Accessing The Baggins can only be done by winding, narrow and hilly lanes with no formal passing places. In places the bends and hills on these lanes are blind and the edges to the road steep with nowhere to seek safety.

Sustainability

- There is no public transport close to the Baggins. Husthwaite is the nearest village, being approximately 1.5 miles away, and there are no paved footpaths to the village, nor any footway or road lighting, and as already indicated the lanes are hazardous to people on foot or cycles if they are not acquainted with the area. Husthwaite is a Service village, but bus services are infrequent, it has a village pub which is open at present, but has a history of closure, it also has a church and active village hall, but no other public facilities.
- There are other excellent public houses in the area which are only accessible by vehicle and some miles away. Easingwold is the nearest shopping facility as there are no village shops in the surrounding area.
- There are already a number of caravan and camping sites, lodge parks, holiday cottages, bed and breakfast, glamping and camping pod businesses and these still have not reached their full rental capacity; therefore, to add further overnight tourist facilities is only going to dilute the existing businesses and undo the work that their owners are putting into making these a success. (The Applicant says, 'There is a shortage of high quality couple accommodation in the district'. Eco pods are not high quality accommodation, it is camping. Is there any evidence to support this comment? Further, at present there is no shortage of accommodation in this district. (Newburgh Priory just over the hill from the Baggins has seen a decline in their glamping this year.) The tourism businesses within a 2 mile radius are at present the following: 5 Caravan Sites (3 adult only), 7 Bed & Breakfast, 2 Lodge Parks, 2 Glamping Parks, 2 Camping Pods Parks, 6+ Holiday cottages (some of which are now applying to come out of tourism due to lack of business). Airbnbs are increasing in the area also.

Ecology

- This site is mainly rock with a shallow covering of top soil. It is covered with natural springs which feed down into the valley and form the start of the River Kyle. On the Application Form the Applicant has ticked NO to the proposal to managing waste.

Points that are felt to need more clarification:

- The plan accompanying the Application did not show where the toilet block or wash/showering facilities are to be placed?
- No mention of facilities for cooking, washing up etc.?
- How is the sewage and waste to be managed? The excavated areas for the three Eco pods are shown to be just above one of the springs which flows out onto Yeoman's Course.
- There is no main electricity to the application site. Power is at present provided by a generator which can be heard some distance away and causes some concern to neighbours. Will the applicant need to bring in mains power or install a larger generator?
- If power is needed to pump waste/foul water to a treatment plant on site, what happens if the generator fails?
- If a treatment plant is proposed where is it to be sited?

- The land in front of the Eco pods is to be further mounded and graded to remove possible visual impact – will this block out the light going into the pods? Also further tree planting between the pods as stated in the application, but surely this would certainly block the light?
- The size of these Eco pods is large at 6m x 6m – What facilities are there in each of these pods?
- Excavation to this hillside will entail braking into rock, what will this do to the natural springs etc. Will it damage the ecology of the area?

The Applicant originally purchased approximately 80 acres on which to run a smallholding, but has now sold off a substantial amount of this land. It is believed that he now owns only the field on which his house stands which is between 8-10 acres. It is felt, as has been the case with all the different planning applications that HDC have received for this site, that should planning be granted for the 3 Eco Pods it would be opening the door to further developments, totally changing the agricultural use of the site to tourism and making it more saleable property, but very much more dangerous to other road users because of the need for resident tourists accessing all facilities using vehicles or bicycles.

There is no mention of the Applicant's farm shop which is operating from these premises at present – what is to happen to this and where will it be situated?

The meeting concluded with respectfully requesting that this application be refused.

- 4.2 Highway Authority – No objection subject to a condition regarding the routing of construction traffic.
- 4.3 Howardian Hills Area of Outstanding Natural Beauty (AONB) Manager – No objection but comments in detail:
- The site is only really visible in medium-distance views from the public road near High House Farm, but this is as glimpsed views through gaps in the roadside hedge so I would assess the potential visual impact as being intermittent and low.
 - The supporting information indicates that an amount of tree and shrub planting near to the eco pods is planned. If the application is approved then a condition should be included requiring the production of a Landscaping Plan showing details of species and planting areas, to ensure that only an appropriate scheme that enhances the AONB landscape is delivered.
 - Although the design shows an earth-covered overhang in front of each pod, under which its assumed tables, chairs, etc. will be located, a condition may be considered applicable in relation to the curtilage immediately in front of each pod. It is likely to be inevitable that paraphernalia will spread out from the covered area, whilst some separation from grazing sheep may also be considered necessary? As shown in their basic form, the proposals present few issues, but lack of attention to details such as this could quickly mean that the eco pods present more of a visual intrusion into the landscape.
- 4.4 Environmental Health Officer – No objection; there will be no significant noise impact on the local amenity.
- 4.5 Public comments – Seven letters of support have been received and one letter of objection.

Summary of support letters

- These pods will only benefit domestic tourism and the respectful preservation of the Howardian Hills AONB;

- Money will be brought into the local economy, including to Coxwold Tearooms, The Hare Inn Restaurant at Scruton, The Fauconberg Arms, Coxwold;
- The design fits into the area and the proposed eco huts, add a different element for people to visit the area;
- There is a lack of good quality holiday accommodation in this area and this proposal will improve this;
- The environmentally friendly approach to the development is welcomed; and
- It is important to support farmers looking for alternative forms of income and land use.

Summary of objection letter

- This road is narrow with high hedges, uncut verges, blind bends, and deep pot holes;
- The holidaymakers' additional cars would only compound the conditions of this traffic on the Thornton Lane and make it even more dangerous;
- The drainage is bad;
- The location of the pods in the Howardian Hills AONB means they may well be detrimental to the aesthetic look particularly from the Easingwold direction despite promised screening;
- The intended site is immediately above some springs on rock base which will mean it will be expensive and difficult to excavate;
- The pods will be very close to pigs and holidaymakers might not like to sleep so close;
- The pods would be too intrusive; and
- The farm workers dwelling was built with the understanding the property currently has an agricultural only restriction. Whilst diversification may well be a good thing for smaller farmers particular care should be taken not to undermine the agricultural usage restriction and convert into tourism.

With regard to the spring, the applicant has confirmed that this does not flow near to Yeomans Course but down the hill side towards High House.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration are (i) the principle of the development in this location; (ii) economic benefits (iii) the landscape and visual impact; (iv) highway safety; (v) residential amenity; and (vi) drainage.

Principle

- 5.2 The site is in a rural location beyond Development Limits where, under Policies CP1 and CP2 of the Core Strategy, development will not normally be supported unless an exceptional case can be made.
- 5.3 Policy CP4 of the Core Strategy sets out criteria where an exceptional case may be considered, including where (under criterion i) "it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy". Tourism accommodation of this type, including static and touring caravans and motorhomes are intended to offer the benefits of rural surroundings and are considered to have an essential requirement for a rural location.
- 5.4 The applicant makes the case that the development proposal is dependent upon a countryside location as part of the business. This case has been accepted previously

in the District that tourist accommodation will bring benefits to the local economy and can take support from the LDF Policy. The applicant also claims that the proposal is a farm diversification project.

- 5.5 As a potential exception to Policies CP1 and CP2, the application is to be considered in terms of the overall sustainability of its location.
- 5.6 Furthermore, Policy CP15 (Rural regeneration) states that support will be given to the social and economic needs of rural communities by encouraging:
- i. retention or expansion of appropriate businesses outside of the Service Centres and Service Villages;
 - ii. re-use or replacement of suitable rural buildings for employment generating uses; iii. provision of live-work units;
 - iii. diversification of the agricultural economy;
 - iv. appropriate tourism related initiatives, including schemes which improve the accessibility of tourist assets both within and outside the District;
 - v. recreation uses appropriate to a countryside location;
 - vi. small scale renewable energy projects and businesses to serve the industry;
 - vii. arts and crafts based industries;
 - viii. technological developments needed to facilitate employment development in rural areas;
 - ix. improvement of public transport links to Service Centres and employment areas.
- 5.7 In all cases development should be designed to be sustainable, consistent with requirements of Policy CP1 and CP17; should not conflict with the environmental protection and nature conservation policies of the LDF but should seek to enhance the environment; and should provide any necessary mitigating or compensatory measures to address harmful implications.
- 5.8 The National Planning Policy Framework offers support to sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors and which respect the character of the countryside. This includes support in appropriate rural locations where identified needs are not met by existing facilities. The degree to which this proposal would respect the character of the countryside is considered later.
- 5.9 The application has stated that the proposal is farm diversification. With the uncertainty of Brexit and the uncertainty of the weather, the applicant has considered this proposal to help sustain the future of the farm and for all members of the family now and in the future. Diversifying to tourism adds a valuable income stream to the farm.
- 5.10 In terms of the type of accommodation that is proposed, the applicant has stated that demand existing for high quality types of accommodation for couples. This small level, farm based tourist accommodation is suited to AONBs for example due to the attractiveness of the surrounding countryside and villages.
- 5.11 It is noted that there is no public transport close to the Baggins. Husthwaite is the nearest village, being approximately 1.5 miles away, and there are no paved footpaths to the village, nor any footway or road lighting. However, Husthwaite is a Service village, with a village pub and church and active village hall. There are other pubs and services in the area which are likely to be accessed by vehicle. However, these could be accessed via bicycle. The National Route 65 of the National Cycle Network runs past the site and the site may therefore be visited by people who wish

to ride this route. Furthermore, the units do contain a kitchen and therefore there are on-site facilities for people to cook a meal and some visitors may not leave the site.

- 5.12 The proposal seeks three units of accommodation that have the capacity to allow for six people to stay at any one time. It is likely that there would be one car per pod and therefore three cars in total. In this case, there are wider benefits of providing a different type of tourist accommodation and benefits to the local economy and services through tourist spend that outweigh the accessibility to services.
- 5.13 In light of the submitted information, it has been demonstrated that the proposal would help to support a sustainable rural economy, bringing tourists to the area that would use existing local businesses and services. It is considered that the proposal is a sustainable form of development and would support the local economy. The proposal therefore complies with Policies CP4 and CP15.

Landscape and visual impact

- 5.14 The site is only really visible in medium-distance views from the public road near High House Farm, but this is as glimpsed views through gaps in the roadside hedge and it is considered that the potential visual impact on the AONB is intermittent and low.
- 5.15 The supporting information indicates that an amount of tree and shrub planting near to the eco pods is planned. The AONB Manager has suggested that if the application is approved then a condition should be included requiring the production of a Landscaping Plan showing details of species and planting areas, to ensure that only an appropriate scheme that enhances the AONB landscape is delivered. This advice is accepted.
- 5.16 Separate from the questions of how the proposal would sit within the landscape, which is primarily a visual matter, it is necessary to consider whether the proposed development, by virtue of its nature, scale and associated activity would have any impact upon the character of the countryside.
- 5.17 The location is relatively well protected from general public view and the wider landscape; the existing agricultural surroundings in this area are intrinsically quiet and tranquil in character and are considered to be sensitive to development.
- 5.18 The proposal is considered to be relatively small in scale and would not result in a significant change to the character of the countryside by the increase in people at the site and traffic movements.

Highway safety

- 5.19 The site would be accessed using the existing vehicular access that serves the holding. The Highway Authority has raised no objection to the proposal, subject to a condition regarding the routing of construction traffic. Accordingly, there is no evidence to suggest that the development would cause harm to highway safety

Residential amenity

- 5.20 The site is relatively isolated from residential properties. There would not be a significant increase in activity in the local area in terms of traffic movements and people given that the proposal seeks three units of accommodation, each with one bedroom. Consequently it is considered that the proposal would not result in a material adverse impact upon residential amenity.

Drainage

- 5.21 The sewage and foul water drainage from each unit would run, by gravity and underground sewage pipe, to the existing farm treatment plant which is located behind the current farm house located to the north of the proposed units. There would be no pumping of/storages of sewage/foul water on the southern facing hillside. It is considered that the infrastructure would be able to cope with the additional development and cause no harm to the amenity of the area

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings Revised Site Location Plan received 24th August 2018 and Elevations and Section date stamped 28th June 2018,
 3. The occupation of the 3 units hereby approved shall be as follows:
 - (i) the holiday accommodation is occupied for holiday purposes only;
 - (ii) the holiday accommodation shall not be occupied as a person's sole, or main place of residence;
 - (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday accommodation on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
 4. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 5. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. This should include measures to ensure the protection of the existing boundary hedges and trees. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 6. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP1, CP17, DP1 and DP32 and National Planning Policy Framework.
3. To ensure that the use of the accommodation is sustainable and supporting the rural economy in accordance with Policy CP4 of the Hambleton Local Development Framework.
4. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17, DP32 and DP33.
6. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.