

Parish: Thrintoft
Ward: Morton-on-Swale
15

Committee Date: 3 March 2016
Officer dealing: Mrs B Robinson
Target Date: 04 April 2016

15/02719/FUL

Construction of an agricultural workers dwelling to include caravan park reception area at Canada Fields, Moor Lane, Yafforth for Mr Kevin Tiplady

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located to the south-west of the B6271, in open countryside. The land falls to the south-west. There is a band of mature trees along the roadside. The complex includes a set of portal framed buildings located immediately to the south-west of the tree belt, each side of a concrete yard area, and a further L shaped portal frame building located approximately 100m south-west of the entrance. Adjacent to the yard there is a static caravan with attached timber outbuilding, including a reception office for the touring caravan site.
- 1.2 South-west of the main buildings there is a caravan site with hard-standings, a utility building and office building currently associated with the caravan site, and a pair of small fishing lakes, served by an access track from the main entrance.
- 1.3 The proposal is a new agricultural dwelling, located on the south side of the access track to the caravan site. The proposed dwelling is 2 storey, with the upper storey mainly contained within the roof, and served by dormer windows and a gable projection on the approach elevation. The proposal includes a single storey wing on the north-east side which includes an office and caravan site reception.
- 1.4 The proposed materials are brick and clay pantiles to the roof. A landscape belt is indicated on the open sides of the dwelling of approximately 5m width.
- 1.5 As amended the proposed house is turned through 90 degrees to face toward the entrance to the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

Planning History

- 2.1 2/96/161/0040 - Construction of an agricultural building for the accommodation of livestock; Granted 27 November 1996.
- 2.2 2/01/161/0040A - Construction of an agricultural building for the accommodation of livestock; Granted 21 December 2001.
- 2.3 2/02/161/0040B - Construction of an agricultural building for storage purposes and for the accommodation of livestock; Withdrawn 17 December 2002.
- 2.4 2/03/161/0040C - Construction of an agricultural building for storage purposes and for the accommodation of livestock; Granted 3 February 2004.
- 2.5 10/00342/FUL - Retrospective application for the siting of a caravan to be used as an agricultural workers dwelling; Withdrawn 17 August 2010.
- 2.6 10/02889/FUL - Revised retrospective application for the siting of a caravan to be used as an agricultural workers dwelling; Refused 6 April 2011 and Appeal dismissed

22 December 2011.

- 2.7 10/02878/APN - Application for Prior Notification for the construction of a steel portal framed agricultural building; Refused 5 January 2011.
- 2.8 10/02889/FUL - Revised retrospective application for the siting of a caravan (as altered) to be used as an agricultural workers dwelling; Refused 6 April 2011 and Appeal dismissed 22 December 2011.
- 2.9 11/00061/FUL - Revised application for the construction of a general purpose agricultural storage building; Refused 6 April 2011.
- 2.10 12/01131/ADV - Application for advertisement consent for the retention of 2 non illuminated signs; Granted 20 July 2012.
- 2.11 12/01132/FUL - Change of use of existing wildlife lake to a wildlife/fishing lake and retrospective application for the change of use agricultural land to a site for touring caravans; formation of caravan hardstandings, access track, car parking, waste disposal point and construction of a reception building and amenity building; Granted 20 July 2012.
- 2.12 12/01401/FUL - Retrospective application for the siting of a caravan to be used as a temporary agricultural workers dwelling and extensions to form additional living accommodation; Granted 15 October 2012 until 31 December 2014.
- 2.13 12/01851/FUL - Construction of an agricultural livestock building; Granted 1 March 2013.
- 2.14 14/00159/FUL - Access track and hook up facilities to accommodate 10 additional touring caravans at existing caravan site; Granted 2 May 2014.
- 2.15 14/01578/FUL - Construction of agricultural building for storage of manure; Granted 18 September 2014.

Enforcement

- 2.16 09/00331/CAT3 - Unauthorised change of use for siting of a residential caravan (and associated structures). Appeal dismissed 22 December 2011. (Application ref 12/01401/FUL refers).
- 2.17 10/00044/CAT3 - Siting of static caravan; summer house; Closed 10 April 2013. (Application 12/01132/FUL refers).

3.0 NATIONAL AND LOCAL POLICY

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP26 - Agricultural issues
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – No response.
- 4.2 Neighbours and site notice - No observations received.
- 4.3 Highway Authority - No objections.
- 4.4 Yorkshire Water – No response.

5.0 OBSERVATIONS

- 5.1 The site is beyond the Development Limits of any settlement where under CP4 of the Local Development Framework, development with an essential need to locate in the countryside, which includes agriculture, may be considered as an exception to the principles of sustainable development contained in policy CP1 and policy CP2.
- 5.2 The NPPF notes (paragraph 55) that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances including where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. The Council's policy in CP1, CP2 and CP4 is therefore in accordance with this aspect of the guidance of the NPPF.
- 5.3 The main issues to consider are (i) whether it is demonstrated that there is an essential need for an agricultural worker to reside on site and whether the enterprise is likely to be sustained into the foreseeable future. Other planning issues to be considered are (ii) design and landscape impact; and (iii) highway safety concerns.

Essential need and sustainability of the business

- 5.4 The existing enterprise at Canada fields is based on livestock. The main business is rearing pigs which are bought in and raised for approximately 9 weeks and presently involves approximately 1,800 animals. The welfare of animals is generally accepted as needing close attention, and whilst this is not a breeding enterprise which might be expected to require attendance at any time of day and night, the number of animals involved in this case was accepted by the Inspector at a previous appeal (10/02889/FUL) as amounting to a justified functional need. The Inspector noted:

"However, whilst the number of night time 'incidents' is not great - I heard that there have only been 2 such events in the last 10 months - one could have had potentially serious repercussions. In the light of this, and having regard to the livestock numbers involved, it seems to me that having someone close to hand at most times would assist the proper functioning of the enterprise to the extent that it amounts to a functional need".
- 5.5 Livestock continues to be the mainstay of the enterprise at Canada Fields. The supporting information submitted indicates an ongoing arrangement with the current pig suppliers, which while not a contract, indicates clearly the arrangement is expected to continue. Since the approval for a temporary dwelling, there has been an increase in the number of breeding ewes on the holding and bearing in mind the previous view of a planning inspector that the enterprise demonstrated a functional need, an essential need for an agricultural worker to be present is accepted.
- 5.6 To justify a permanent dwelling it is reasonable to require that it be demonstrated that it is necessary for a worker to be available all or most of the time. The applicant puts forward with this application a comparison between three authorities on agricultural

farm management, NIX, ABC and SAC. Whilst various elements of the combined enterprise (with the applicants holding at Carvin Tor) are included, the standard hours for dealing with the pigs alone are considered and the three authorities each show a standard labour unit over 1 (average 1.7fte workers).

- 5.7 Supporting information put forward with the current application states that the sheep flock has increased from 170 to 250 'mule ewes', producing 425 fat lambs per annum. The information states that the lambing takes place at Canada Fields in the pig building, with one bay left free for pigs in the interim.
- 5.8 Taking all these points into account, it is concluded that the applicant has reasonably demonstrated a functional need for an agricultural workers dwelling on the site in connection with farming of the scale and type described.
- 5.9 A dwelling would not be sustainable in this location unless the enterprise is financially sound and has a good prospect of remaining so. Profit and loss accounts submitted with the application show losses in recent years when there has been heavy capital expenditure on the development of new buildings on site, with projected profit being made 2016 because there is no capital expenditure projected for the year. The pig enterprise is shown to be capable of being profitable and there is no reason to suppose that it would not continue to be so, with the benefit of new buildings already provided.
- 5.10 The existing enterprise is well established and demonstrates a commitment to the agricultural development of the site and shows an essential need and business viability to justify a dwelling.

Siting and design

- 5.11 The proposed dwelling is a dormer bungalow and while the design is not characteristic of traditional agricultural dwellings, it has the benefit of being relatively inconspicuous and by use of traditional brick materials and clay pantiles will blend into the surroundings. Its relatively modest scale is appropriate to the essential needs of the farm, and the additional office function, which in the circumstances of this enterprise is acceptable. It is located in close proximity to existing buildings, and will not be harmful to the open character of the rural surroundings, particularly taking into account the proposed landscaping belt. As amended the siting would allow surveillance of the entrance.

Highway safety

- 5.12 The NYCC as highway authority make no objection to the proposal and on this basis the proposal does not give rise to any concerns about highway safety.

6.0 RECOMMENDATION

- 6.1 It is recommended that Planning Permission is **GRANTED**, subject to any outstanding consultation response(s) and 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 drawing(s) numbered 111:15/01 Rev D received by Hambleton District Council on 28 January 2016 unless otherwise approved in writing by the Local Planning Authority.

3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
5. The development shall not be commenced 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. 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. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
7. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 6 above.

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 Development Plan Policies CP17 and DP32.
3. 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.
4. The dwelling is in an area where the Local Planning Authority considers that new residential development should be restricted to that which is essential in the interests of agriculture or forestry or other rural enterprise in accordance with Hambleton Local Development Framework Core Strategy Policy CP4.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy.
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
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