

Parish: Tollerton
Ward: Easingwold
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Committee Date: 2 March 2017
Officer dealing: Caroline Strudwick
Target Date: 10 March 2017

16/02550/FUL

**Temporary siting of a mobile home for 3 years
At OS Field 4578, Sykes Lane, Tollerton
For Mr Robert Elstone**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located to the north-east of Tollerton, approximately 750m beyond Development Limits, and comprises 4.86 hectares of agricultural land with a modern barn in the North West corner, near Sykes Lane. Access is gained from Sykes Lane to the north.
- 1.2 The scheme is a resubmission following refusal of 14/02152/FUL for the placement of temporary mobile home for three years. This application seeks temporary consent for the siting of a timber clad cabin style mobile home to replace a static caravan close to the western boundary of the site and a short way to the south of the existing barn. It would be for use in association with the worm farm.
- 1.3 The worm farm enterprise is not active and ceased operating in 2010 following the failure of the functioning of the outdoor worm farm pits due to cold winter weather conditions. The applicant now proposes to operate a worm farm in the barn to overcome that problem.
- 1.4 The applicant resides in Skelton, some nine miles away from the site. He considers that an on-site presence is necessary due to monitoring power cuts, equipment failure, feeding, water and security associated with the running of the worm farm.
- 1.5 The application is referred to Planning Committee for decision at the request of Councillor Knapton.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/02/162/0250 - Change of use of agricultural land to Class B2 use as a worm farm to include the formation of worm pits and siting of a static caravan to provide office accommodation; Granted 3 July 2002.
- 2.2 14/02152/FUL - Placement of temporary mobile home for three years; Refused 21 September 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP9 – Development outside development limits
Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP26 - Agricultural issues
Development Policies DP32 - General design

Development Policies DP30 - Protecting the character and appearance of the countryside
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Environmental Health Officer - No objection. An informative regarding the necessity for a caravan licence is noted.
- 4.2 Yorkshire Water - No comments to make.
- 4.3 Highway Authority - No objection.
- 4.4 Public comment - None received.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to (i) the principle of the temporary residential use in this location; (ii) any impact on the visual amenity of the surrounding area; (iii) any impact on neighbour amenity; and (iv) any highway safety issues that may arise.

Principle of development

- 5.2 Considering the approximate 750m distance from the Development Limits of Tollerton, the proposal would be an isolated dwelling in the countryside and could not be considered as development within a village under the Council's Interim Policy Guidance. Paragraph 55 of the National Planning Policy Framework (NPPF) must be satisfied if the principle of the development is to be considered acceptable. It states that isolated new homes in the countryside must be avoided unless there are special circumstances such as (as relevant) the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 5.3 Criterion i of Policy CP4 of the Hambleton Local Development Framework allows development in the countryside where 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. Where the evidence demonstrates a need for a permanent on-site presence, it is reasonable to allow dwellings for the required number of workers, subject to conditions preventing general occupation. An example of that is an agricultural worker's dwelling permitted at Stark Farm, on the opposite side of Sykes Lane, in 2008.
- 5.4 The applicant considers there is essential need for a dwelling to be provided on site for him to live in for these reasons:
- Sustainability benefits from reduced travelling from the applicant's home to the site;
 - Increased welfare for the worms through regular surveillance;
 - Establishment of the business due to easier on-site management which would facilitate further financial investment; and
 - Improved security of the site.

It has also been suggested that there would be sustainability benefits through production of worms close to where they would be used at local fish ponds.

- 5.5 The applicant had consent granted for the use of the land as a worm farm, with external worm stores, in 2002. However, he lost his stock in 2010 due to adverse weather conditions. Since this time the applicant has still supplied composted horse manure (previously used to supply the external worm farm) to the local area at a low scale but has predominantly focused his commercial interests elsewhere.
- 5.6 The applicant now wishes to re-establish the worm farm but entirely within the barn. However, this calls into question whether a rural location is essential for a business that could reasonably be carried out in any similar building, including those on sites within urban locations. For this reason it is considered that the proposed dwelling cannot benefit from the rural business exception of CP4i and would be contrary to national and local policies restricting new housing in the countryside. This is considered sufficient to justify a refusal of planning permission but for completeness it is prudent to also consider the other elements of the applicant's case.
- 5.7 The applicant has defined a standard day were he to operate the worm farm at this location, remote from his home. He has also provided an overview of a business plan to outline the growth of the enterprise on site and has described the life-cycle of the worm.
- 5.8 The applicant's envisaged standard day operating the site remotely suggests seven visits to the site to monitor the worms, with further visits required overnight to respond to emergencies. The applicant advises that remote monitoring equipment is costly and unreliable and is not a substitute for on-site surveillance. In contrast, the planning history indicates that a worm farm operated on the site for some eight years without needing an on-site residential presence and that it was primarily the impracticability of growing worms outdoors that caused the enterprise to cease, not the arguments now being made in support of the proposed dwelling. Considering the conclusion already reached, that the business does not have an essential requirement to locate in a rural area, these practical issues do not appear to prevent a worm farm from operating but may further illustrate why a location closer to the applicant's home would be more appropriate.
- 5.9 The improved sustainability credentials of living on site and the growth of the business due to easier on-site management do not justify an isolated dwelling, particularly as the worm farm is not currently operating. The applicant has carried out investigations into the possibility of worm farming inside the industrial unit, using 5kg of worms. Through a series of incidents, including power loss and temperature drop, which the applicant felt could have been addressed by living on site, almost all the worms were lost. What is not clear is how the applicant would have addressed these incidents had he been on site, and why they could not be addressed by locating the enterprise closer to where he lives. Agricultural diversification is to be supported in principle but it is not proved that a dwelling is required in order for a viable worm farm to be formed.
- 5.10 It is reported that the site has suffered two thefts, involving items including a tractor, a generator, a cement mixer, fuel and cables. The applicant has explored the use of a remote security system but given the distance from the applicant's home the site cannot be reached during a break in. No explanation has been offered as to why items such as a tractor or cement mixer might be needed in order to operate an indoor worm farm and accordingly this issue can be given very little weight. The improved security of the site is not an essential need for an isolated new home, indeed it further illustrates the benefit of seeking a less remote building in which to carry out the business.
- 5.11 The agent has provided the examples of five companies in the UK who commercially grow worms and have dwellings on site. No information has been submitted to

demonstrate that any of those dwellings were permitted as a result of demonstrating essential need. Through carrying out a high level search of these businesses on the internet, one appears to be a supplier of worm kits to potential farmers, however this business does appear to be within an established agricultural unit. Four of the examples appear to be diversification of established agricultural units with some more traditional agricultural use still taking place on site. Two appear to be large commercial operations which advertise a variety of worms, fishing bait and live reptile food being produced. Very little information was available as to the location of the fifth example, however, it is a large scale enterprise.

- 5.12 The applicant's financial appraisal of an envisaged enterprise suggests that it could be a profitable concern. The applicant has established that there would be a market locally for the worms at nearby fishing lakes although there can be no guarantee that worms produced on the site would be used there. However, this does not change the fact that a business that operates within a building does not need a rural location or that a dwelling is required to enable to applicant to establish the business.
- 5.13 The applicant has provided a paper entitled Home Worm Production, as demonstration of the labour intensive nature of worm farming. This paper does state that "New earthworm growers should consider entering the business on a small scale and learn to raise worms successfully before attempting mass production". There is no reference to what constitutes mass production, additionally this paper appears to be intended to guide amateurs who wish to start growing worms at home. This paper does not provide sufficient information on the commercial production of worms to demonstrate that this type of enterprise is labour intensive and warrants a dwelling on site, or more importantly, that a rural location is needed.
- 5.14 It is considered that the applicant has not provided sufficient information to justify an essential need for a dwelling in this location.

Visual amenity

- 5.15 The proposed temporary log cabin would replace a static caravan against the western boundary of the site. The overall design of the structure, its positioning away from and screened to nearby public viewpoints, and its colouration are such that there would not be a significant harmful impact on local visual amenity. The structure would not be suitable for permanent retention; however this matter could be resolved by the imposition of an appropriate condition if permission were to be granted.

Neighbour amenity

- 5.16 The site is isolated and the nearest dwelling, Stark Farm, is approximately 75m away, building-to-building, on the opposite side of Sykes Lane. The proposed temporary dwelling and associated activity would not harm neighbour amenity.

Highway safety

- 5.17 The Highway Authority has not raised an objection and it is therefore accepted that the proposed development would not have a harmful impact on highway safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposal is contrary to Hambleton Local Development Framework Policies CP1, CP2, CP4 and DP9 and the National Planning Policy Framework Paragraph 55 as no

essential need for a rural worker to live at their place of work in the countryside remote from a range of services has been demonstrated.