

# **PLANNING APPLICATIONS**

**The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 13 October 2011. The meeting will commence at 1.30pm.**

Further information on possible timings can be obtained from the Committee Officer, Jane Hindhaugh, by telephoning Northallerton (01609) 767016 before 9.00 am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Head of Regulatory Services. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Head of Regulatory Services has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Maurice Cann  
Head of Regulatory Services

# SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

# PLANNING COMMITTEE

**13 OCTOBER 2011**

| <b>Item No</b> | <b>Application Ref/<br/>Officer</b> | <b>Proposal/Site Description</b>  |
|----------------|-------------------------------------|---|
| <b>1</b>       | 11/00901/FUL<br>Miss A J Peel       | <b>Application for the retention on a permanent basis of existing mobile home used as an agricultural workers dwelling.<br/>at Providence Pig Unit Alne York YO61 1TJ<br/>for Mr D Cowton.</b><br><br>RECOMMENDATION: GRANTED                                       |
| <b>2</b>       | 11/01820/FUL<br>Mr J E Howe         | <b>Revised application for the construction of an agricultural building for agricultural storage and the housing of cattle.<br/>at Land At Moor Lane Carthorpe North Yorkshire<br/>for Mr J Prior.</b><br><br>RECOMMENDATION: GRANTED                               |
| <b>3</b>       | 11/01709/FUL<br>Mr J E Howe         | <b>Construction of 4 bedroom detached dwelling with detached garage as amended by plan received by Hambleton District Council on 3 October 2011.<br/>at 17 Barns Wray Easingwold North Yorkshire YO61 3RS<br/>for Mr S J Morgan.</b><br><br>RECOMMENDATION: GRANTED |
| <b>4</b>       | 11/01931/FUL<br>Miss A J Peel       | <b>Demolition of existing bungalow and construction of a replacement dwelling.<br/>at Carholme Raskelf Road Easingwold North Yorkshire<br/>for Mr S Dugdale.</b><br><br>RECOMMENDATION: GRANTED   |
| <b>5</b>       | 11/01568/FUL<br>Mrs H M Laws        | <b>Temporary siting of a caravan to be used as an agricultural workers dwelling (3 year period).<br/>at Tall Oaks Farm Huby North Yorkshire YO61 1HF<br/>for Mr Antony Warren.</b><br><br>RECOMMENDATION: REFUSED   |

|   |   |   |
|---|---|---|
| <p style="text-align: center;"><b>6</b></p> | <p>11/01090/FUL<br/>Mr J Saddington</p> | <p><b>Construction of a 9 unit supported housing scheme and creation of a new vehicular access.<br/>at Land Former Station House 4<br/>Boroughbridge Road Northallerton<br/>North Yorkshire<br/>for Broadacres Housing Association.</b></p> <p>RECOMMENDATION: GRANTED</p>  |
| <p style="text-align: center;"><b>7</b></p> | <p>11/00813/FUL<br/>Mr J Saddington</p> | <p><b>Revised application for a change of use from egg production and packaging plant to a holiday park comprising alterations to existing farm building to form offices/ restaurant, construction of a leisure facility, car parking and landscaping and the change of use of agricultural land for the siting of 100 caravans.<br/>at Crosslands Seamer North<br/>Yorkshire TS9 5LJ<br/>for Noble Foods Ltd.</b></p> <p>RECOMMENDATION: GRANTED</p> |

Alne

Committee Date : 13 October 2011

Officer dealing : Miss A J Peel

Target Date: 13 July 2011

**1.**

**11/00901/FUL**

**Application for the retention on a permanent basis of existing mobile home used as an agricultural workers dwelling.  
at Providence Pig Unit Alne York YO61 1TJ  
for Mr D Cowton.**

## 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application seeks consent for the permanent retention of an existing mobile home to be used as an agricultural workers dwelling. The mobile home fronts onto Back Lane in Alne with agricultural buildings to the rear. Whilst originally constructed as a caravan the dwelling now has some characteristics of a permanent structure with an attached conservatory to the rear, brick skirt and steps. The dwelling is part of a pig fattening and DIY livery business on a holding totalling approximately 4.5ha.

1.2 The applicant purchased the land in 1992. In 1997 an application was granted on a temporary basis for the retention of a mobile home relating to the applicant's intensive 170-sow pig breeding unit. In 2000 temporary permission was again granted for the mobile home relating to the same business. In June 2006 permission was refused for the construction of an agricultural worker's dwelling to replace the mobile home. It was considered that there was insufficient justification regarding the functional needs of the holding; the longer term financial viability of the holding was questionable to demonstrate the need; and existing accommodation in the adjacent village could be suitable. That business reduced its trading level in 2004 and by 2006 had ceased operating completely. Since then the applicant established a pig rearing/fattening business on the holding. In December 2006 permission was granted on a temporary basis again for the retention of the existing mobile home. This application seeks permission to retain the mobile home on a permanent basis.

## 2.0 RELEVANT PLANNING HISTORY

2.1 AN2/96/006/0146 - Prior notification of a proposal to construct an agricultural barn. Granted 17 July 1996.

2.2 2/97/006/0119B - Retention of an agricultural workers dwelling unit. Temporary permission granted 26 March 1997.

2.3 2/00/006/0119C - Renewal of consent for an agricultural worker's dwelling unit. Temporary permission granted 11 July 2000.

2.4 AN2/02/006/0146A - Application for prior notification of a dutch barn. Granted 9 September 2011.

2.5 2/04/006/0217 - Change of use and alterations to agricultural building and land to form horse livery establishment. Granted 18 October 2011.

2.6 06/00068/FUL - Construction of an agricultural workers dwelling (as amended). Refused 3 July 2006.

2.7 06/02190/FUL - Application for the retention of existing mobile home used as a temporary agricultural workers dwelling. Granted 8 December 2006.

## 3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP2 - Access  
Development Policies DP4 - Access for all  
Core Strategy Policy CP4 - Settlement hierarchy  
Development Policies DP9 - Development outside Development Limits  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
PPS7 - Sustainable Development in Rural Areas

#### 4.0 CONSULTATIONS

4.1 Parish Council – Wishes to see the application refused. This is a temporary building for use associated with the pig unit. It is outside the development limits, received 10 June 2011.

4.2 NYCC Highways – No objections to the proposal, received 8 June 2011.

4.3 Yorkshire Water - No comments are required from Yorkshire Water, as foul water is to existing septic tank system and surface water is to Suds, received 19 May 2011.

4.4 Cater Jonas – Report and additional letter attached.

4.5 Neighbours consulted and site notice posted – Comments received from 5 nearby neighbours who made the following observations:

- a) The existing system of regular review of the farm's situation should be retained.
- b) It is outside development limits and a permanent dwelling should not be allowed.
- c) The yard is a great place to keep horses, it's quiet, safe and has all the facilities needed. There is no where else suitable. Concerned about the residency at the site and we do not wish to loose such a great establishment.
- d) Support from Hazel House Farming Ltd, Huby who can finish 2800 pugs per year with Providence Pigs. The contract with Providence Pigs requires that someone lives on site to be available at all times for the welfare of the animals and security.
- e) Support for a permanent unit on the site. Mr Cowton has a substantial number of pigs and needs to be on site to look after them.
- f) Lived in temporary accommodation for 17 years which must be a pressing case for considering it a permanent residential location.
- g) Despite being outside development limits the site is already developed for both domestic and agricultural purposes.
- h) Security for a permanent home required to safeguard his pig rearing business which makes a valuable contribution to the diversity of the village.

#### 5.0 OBSERVATIONS

5.1 The key issues relate to the impact of the development on the appearance of the surrounding area and whether the dwelling is shown to be necessary to meet the needs of agriculture and in accordance with PPS 7 if it is able to satisfy the criteria of Annex A.

5.2 With regards to the agricultural workers dwelling; Policy CP4 and PPS7 require that any residential development outside Development Limits will only be permitted in exceptional circumstances when all of the following criteria are met:-

- a) It is proved to be essential to the functional needs of the enterprise to house a full-time worker at or in the immediate vicinity of their place of work.
- b) The business has been established for 3 years and there is firm evidence of the financial viability of the enterprise both at the time of the application and in the longer term.
- c) The need cannot be met in a nearby settlement or by an existing dwelling in the locality.

5.3 Criteria a) It is considered that there is a functional need for the applicants to be within sight and sound of the building when the young stock arrive and this need was identified within the previous application for temporary permission for the dwelling (06/02190/FUL).

There is a functional need for a worker to be on site to care for the young stock although this need diminishes as the pigs reach the end of the fattening cycle. However, it is considered appropriate for a worker to be available at all times for the welfare of the animals and security of the site. The site appears to be fairly run down with little investment in the buildings since the 2006 application. Carter Jonas have calculated the labour requirement of 0.65 full time labour units which is short of the one full time labour unit requirement to meet with Criteria A.

5.4 Criteria b) PPS7 states that the enterprise should be established for 3 years, profitable for at least 1 of them and currently financially sound with a clear prospect of remaining so. The applicant provided accounts for the three years ending April 2008, 2009, 2010. These show a modest profit for each of the three years. Cater Jonas has confirmed that in terms of the financial test, the unit has been established in its current form since 2006 and has been profitable in all three years. However, the profit levels are modest and are not likely to significantly change unless substantial alterations and investments are made to the business model.

5.5 Criteria c) The need cannot be met in a nearby settlement or by an existing dwelling in the locality. There are no other dwellings on the unit and no properties for sale in the immediate vicinity of the site. Furthermore, the minimum guide price appears to be £320,000 which is considered to be outside the financial capability of the business.

5.6 Cater Jonas have confirmed that the unit is borderline in terms of meeting both the functional and financial tests. Whilst PPS7 advises that Local Planning Authorities should not grant successive renewals this has been done due to the change in nature of the operations. The applicant has therefore lived on site for approximately 19 years and the static caravan has the characteristics of a permanent structure with an attached conservatory to the rear, brick skirt and steps. It is fairly well screened from the surroundings by a boundary hedge and although the unit has only had temporary permission it has been there for a significant length of time and has become a permanent feature within the streetscene. It is considered therefore that the dwelling does not have an unacceptable visual impact upon the surroundings. Although the unit is borderline in terms of meeting the tests required by PPS7 it is considered that given the history of the site and the length of time the applicant has occupied the dwelling it is considered that the scheme should be approved.

5.7 The application is therefore recommended for approval.

## SUMMARY

The residential unit is borderline in terms of meeting both the functional and financial tests of PPS7. However, given the history of the site it is considered that permission should be granted. The scheme will not have a harmful impact upon the surroundings, highway matters or neighbours amenities.

## 6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The occupation of the dwelling shall be limited to a person solely or mainly employed in agriculture, as defined in Section 336 of the Town and Country Planning Act 1990, at Providence Farm, Alne, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

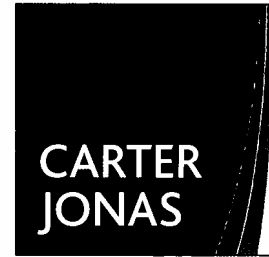
The reasons for the above conditions are:-

1. 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 in accordance with Hambleton Local Development Framework Core Strategy Policy CP4.

Our Ref: TW/HDC  
Your Ref: -

|                   |     |     |  |
|-------------------|-----|-----|--|
| HAMBLETON D.C.    |     |     |  |
| REC'D 13 SEP 2011 |     |     |  |
| PES               | RES | CX  |  |
|                   |     | ACK |  |

Miss A Peel  
Planning Department  
Hambleton District Council  
Civic Centre  
Stonecross  
Northallerton  
DL6 2UU



The Property People

Regent House  
13-15 Albert Street  
Harrogate HG1 1JX  
T: 01423 523423  
F: 01423 521373

8 September 2011

Dear Alex

**Retention of mobile home as permanent agricultural dwelling  
Providence Pigs, Alne, York  
Your Reference; 11/00901/FUL**

Thank you for your e-mail on 1 September to Kate Broadbank and for providing a copy of the letter from Anthony Atkinson of Acorus Rural Property Services in relation to queries raised by his client following our report in June.

Whilst we note the points raised by Anthony Atkinson, specifically in relation to our labour calculation assessment provided as Appendix 1, we would initially comment that the labour calculation is provided as a supplementary assessment in relation to our opinion of functional need. The outcome of the calculation does not form our sole consideration for whether a unit is considered to have a sufficient labour justification in accordance with the requirements of PPS7.

We do not consider that our instruction for the council requires us to inspect every single animal on the holding and the purpose of our inspection is to ensure stock is present and to gain a greater understanding of the overall production system.

We note Mr Atkinson's suggestion that the assessment should be undertaken based on the number of available pig places applicable to the farm although given the variable production system in operation and the difference in rearing times applicable between different age groups of pigs we consider that an average assessment for 300 weaner-rearers (7kg – 35kg) and 700 finishing pigs (35kg – 100/115kg) over an "average" production cycle for the unit would be potentially misleading given the limitations on size and available accommodation on site.

More specifically we consider there is insufficient capacity on site to rear and finish all stock within the same timeframe given that older pigs (from 35kg – 100/115kg) take twice as long to finish compared to the initial rearing stage (from 7kg – 35kg).

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Our earlier calculation was extrapolated from the information provided by the applicant during the course of our site visit, notably that there are highly variable requirements under his rolling contract for the stock owner, Mr Donaldson and piglets can often be moved to other units at 35kg live weight depending on space requirements.

If our calculation is based on the full approximate capacity of the unit and taking into account the increased production (finishing) time required for the latter rearing stage (from 35 kg to 100/115 kg), we consider this element of our earlier assessment could be revised as follows:

Extract: ABC Costing & Budgeting Handbook, 71<sup>st</sup> Ed (Nov 10)

| Description                    | Weight Gain | Time (approx) | Hrs/pig | Batches /year | Hrs/pig place |
|--------------------------------|-------------|---------------|---------|---------------|---------------|
| Weaner-Rearer (7kg – 35kg)     | +28kg       | 9 wks         | 0.2     | > 6           | 1.2           |
| Rearer-Finisher (35kg – 100kg) | +65kg       | 17 wks        | 0.4     | > 3           | 1.2           |

| No. Pigs | Description                   | Hrs/pig | Batches/Yr | Total Hrs |
|----------|-------------------------------|---------|------------|-----------|
| 300      | Weaner-Rearer (7kg – 35kg)    | 0.2     | 5 *        | 300       |
| 700      | Rearer-Finisher 35kg – 100kg) | 0.4     | 3          | 840       |
|          |                               |         | Total      | 1,140 Hrs |

\* Based on applicants system as stated in Acorus letter 5 Aug 2011)

The above has increased the relevant calculation for the number of hours applicable to the available pig rearing capacity assuming the unit operates at full potential capacity, although we do not consider there should be any amendment to the additional labour considerations given for the other enterprises; notably a small number of breeding sheep and overseeing horses kept at the unit on a DIY livery basis.

Our overall revised calculation would subsequently total approximately 1,950 hours per annum and based on our previous assessment methodology this would equate to a full time labour requirement of 0.65 full time labour units (based on 300 days per annum at an average 10 hours per day).



This is still considerably short of one full time labour unit and even though the assessment has changed this does not alter our opinion of the "borderline" nature of the functional requirement for the agricultural enterprises, which have changed considerably since the original justification and siting of the temporary dwelling.

I note that Mr Atkinson's additional query relates to the retention of the mobile dwelling as a permanent property and that his client may consider an application for a permanent materials home in due course if considered appropriate and financially viable.

However, regardless of the nature of construction, the application applies for a permanent dwelling. PPS7 advises that for permanent dwellings the business must, among other criteria, be currently financially sound and have a clear prospect of remaining so.

In terms of the dwelling to be provided it is the requirements of the enterprise not of the applicant that should be considered. If the business is not of sufficient scale or viability to sustain the construction of a permanent dwelling planning permission should not, in our view, be granted for what is essentially inadequate accommodation that would be on site in perpetuity. It is a reasonable expectation that a business should be able to provide a reasonable standard of accommodation.

These concerns, along with the weak functional justification and the failure of the applicant to develop the business over the substantial period of time it has been operational, are significant in our view. Another matter for the Local Planning Authority to consider is the landscape impact of a caravan permanently stationed on site, which would not normally be permitted in this location.

These are obviously matters for the local authority to consider although we trust the above commentary provides assistance in the authority's determination of the application although if we can be of any further assistance then please do not hesitate to contact us.

Please note that Kate Broadbank is now away on annual leave returning on Tuesday 20 September so if there are any immediate queries, please contact me directly.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom Whitehead'.

**Tom Whitehead MRICS FAAV**  
Senior Associate  
For and on behalf of Carter Jonas LLP

E: [Tom.Whitehead@carterjonas.co.uk](mailto:Tom.Whitehead@carterjonas.co.uk)  
DD: 01423 707801

**CARTER  
JONAS**

The Property People

Regent House  
13-15 Albert Street  
Harrogate HG1 1JX

T: 01423 523423

F: 01423 521373

**TOWN AND COUNTRY PLANNING  
ADVICE**

**PLANNING APPLICATION 11 / 00901 / FUL**

**APPLICATION FOR THE RETENTION OF A MOBILE HOME  
ON A PERMANENT BASIS TO BE USED AS AN  
AGRICULTURAL WORKERS DWELLING**

**PROVIDENCE PIG UNIT  
ALNE  
YORK  
YO61 1TJ**

On behalf of Hambleton District Council

June 2011



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## **APPENDIX 01      LABOUR CALCULATION**

## 1.0 INTRODUCTION

- 1.1 This report has been prepared at the request of Hambleton District Council to provide advice in relation to a planning application submitted by Acorus Rural Property Services Ltd on behalf of Mr D Cowton.
- 1.2 The application applies for the retention of an existing mobile home on a permanent basis to be used as an agricultural workers dwelling in association with the established pig unit.
- 1.3 The information contained within this report is based upon the information submitted with the application and a site visit made to meet the applicant, Mr D Cowton on Wednesday 1 June 2011.
- 1.4 This report is based upon the guidance provided in Annex A of Planning Policy Statement 7 *Sustainable Development in Rural Areas*. It summarises the proposal and whether, in our view, the requirements of planning policy can be satisfied.
- 1.5 The report has been prepared jointly by Tom Whitehead MSc MRICS FAAV, Senior Associate Rural Practice Surveyor of Carter Jonas' Harrogate Office and Kate Broadbank MA MRTPI, Senior Planner also of Carter Jonas' Harrogate Office.

## 2.0 THE PROPOSAL

- 2.1 Providence Pig Unit has a considerable history dating back to the purchase of the site by Mr Cowton in 1992.
- 2.2 Our first involvement on behalf of Hambleton District Council was in 1997 when we undertook an assessment of an application to retain the mobile home as an agricultural workers dwelling. At this time the business involved an intensive 170-sow pig breeding unit.
- 2.3 In 2000, we were asked to comment upon an application to renew the temporary permission for the mobile home. Again, the business involved intensive pig breeding.
- 2.4 In 2006 an application was submitted for the construction of an agricultural workers dwelling to replace the mobile home. We understand this was refused in June 2006 as it was considered;
  - i) there was insufficient justification regarding the functional needs of the holding,
  - ii) the longer term financial viability of the holding was questionable to demonstrate the need for the proposed dwelling,
  - iii) why existing accommodation in the adjacent village is not suitable.

Carter Jonas LLP was not involved with this application.
- 2.5 In October 2006 we were asked to assess an application to retain the temporary dwelling. By this time the breeding element had ceased and we were advised at the time that the business had ceased production completely for approximately two years between 2003 - 2005.

- 2.6 The applicant confirmed that he had recently re-entered the pig industry with the business re-focused upon rearing and fattening of pigs instead of breeding. It was therefore considered to be a new farming enterprise and an application for retention of the temporary dwelling the most appropriate route to follow. In addition, a DIY livery yard had been created with 8 horses on site at the time of the application.
- 2.7 The application now before the Council applies to retain the mobile home on a permanent basis.

### **3.0 PLANNING POLICY CONTEXT**

- 3.1 The planning policy framework relating to agricultural workers dwellings is principally set out in Planning Policy Statement 7 *Sustainable Development in Rural Areas*. Annex A of PPS7 deals with agricultural, forestry and other occupational dwellings and advises that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable such workers to live at, or in the immediate vicinity of, their place of work.
- 3.2 Planning applications for permanent agricultural dwellings should be assessed against the criteria set out in paragraph 3 of Annex A. This sets out five specific requirements for such applications to be supported. We consider these within the Assessment section below.
- 3.3 The Hambleton Local Development Framework sets out the local policy framework within which planning applications are determined. Policy CP4 of the Core Strategy advises that dwellings outside development limits will be supported where, among other criteria, they are necessary to meet the needs of farming activities. This policy is further supported by Policy DP9 of the Development Policies DPD, which advises that development outside development limits will only be granted in exceptional circumstances having regard to the provisions of Policy CP4.
- 3.4 In summary, the general policy background is set out in the Core Strategy and Development Policies DPDs and the detail of any scheme must be assessed against the tests set out in PPS7.

## 4.0 ASSESSMENT

4.1 We assess the application against the tests set out in paragraph 3, annex A of PPS7 below:

### 4.2 There is a clearly established *existing* functional need

- 4.2.1 The operation of the business at the site has changed over the years from an intensive 170-sow pig breeding and rearing business to a contract rearing and fattening business. This has involved the adaptation of some buildings.
- 4.2.2 This does have implications in terms of the labour input required. During the previous renewal in 2006, the new rearing and fattening business was just being established and it was considered appropriate to allow a temporary permission to enable this to become established. A DIY livery yard had also been created in adjoining buildings. The applicant proposed that there would be 1,100 pigs on site at full capacity following refurbishment of the buildings.
- 4.2.3 We commented that, on the basis of the proposed business, we considered there to be a functional need to be within sight and sound of the buildings when the young stock arrive with less frequent inspections being required as the animals matured.
- 4.2.4 The Acorus report submitted with the present application advises that the buildings have been adapted to meet modern standards and can accommodate 1,000 finishing pigs.
- 4.2.5 In addition there are 30 breeding ewes which utilise surrounding grassland and some rented grazing, being outwintered prior to indoor lambing in late March/early April. There are also 11 horses in former farm buildings occupying on a DIY livery basis.
- 4.2.6 During our site visit we noted approximately 300 - 350 pigs on the unit, however these were not counted. The buildings and site do not appear to have been substantially altered or improved with little sign of recent investment made to modernise the original range of buildings. We question whether a number of these buildings are now redundant.
- 4.2.7 We are advised that the contract rearing business is operated on an "all in – all out" batch rearing system for a local large scale producer with approximately 300 pigs brought onto the unit as 4 week old weaners, weighing 8-10 kg.
- 4.2.8 Pigs are initially reared in insulated flat deck housing and are gradually transferred through to straw bedded yards and are fattened to 110 kilos and sold direct for slaughter. During the course of transfer to straw yards the pig owner can also supply up to 500 additional pigs of a similar age/size. This was not evident on inspection, with half of the main fattening shed unoccupied.
- 4.2.9 The contract rearing operation is run on behalf of a large scale breeding business based east of Easingwold who provide all of the pigs, feedstuff and veterinary services whilst the applicant provides the buildings, straw bedding, water, electricity and labour. This form of contract rearing is well established in the industry and whilst we understand there is no written contract, these agreements generally work well.

- 4.2.10 We understand that the young pig are checked at least three to four times a day from arrival as young month-old weaners as they are particularly susceptible to both environmental and health pressures and this continues for the first two months they are there.
- 4.2.11 As the pigs grow and mature inspections become a lower priority and towards the end of the fattening cycle once/twice daily inspections are probably adequate unless a particular problem is identified. Feeding at this stage is largely through mechanised hopper feeding systems.
- 4.2.12 From discussions with the applicant we understand the unit could potentially rear two batches operating on an "all in – all out" system over a 27 week production cycle. The applicant estimated the unit produced between 1,800 to 2,000 pigs per annum.
- 4.2.13 The unit does not appear to currently be operating at full capacity and there does not appear to have been any recent investment in the buildings. The business does not appear to have changed significantly since the previous renewal of temporary planning permission and, if anything, the buildings have deteriorated since then.
- 4.2.14 We consider there is a case to be made in terms of the functional need to be on site to care for the young stock however this diminishes as the pigs reach the end of the fattening cycle.
- 4.2.15 There could be potential to utilise the buildings through more intensive continuous housing systems although this would lead to groups of mixed age pigs being in close proximity, increasing the risk of spreading common respiratory and digestive diseases particularly to the younger, more vulnerable stock.
- 4.2.16 In terms of the livery entity this is run on a DIY basis with straw provided by the applicant although he also provides general maintenance and occasional holiday cover if required. In addition there is an element of the applicant's DIY facility which provides general night surveillance after owners have left. This is a generally sought after requirement and is advantageous for there to be an on-site presence for health and welfare of the horses. This may add weight to the Council's considerations in terms of the functional need although is considered supplemental.
- 4.2.17 On general discussion we understand the applicant undertakes a limited amount of agricultural work off farm, principally sheep shearing and assisting a neighbouring farm. This work appeared relatively low key and largely seasonal with no specific contracting or non-agricultural work undertaken
- 4.3 The need relates to a full-time worker, or one who is primarily involved in agriculture and does not relate to a part-time requirement**
- 4.3.1 Based on the information presented we have prepared an assessment of the full time labour requirement of the unit adopting the methodology outlined within the Agro Business Consultants (ABC) advisory handbook, 72<sup>nd</sup> Edition (May 2011).
- 4.3.2 This would indicate that the property provides a labour requirement of between 0.39 and 0.59 full time labour units.



- 4.3.3 This figure includes additional elements of labour arising in relation to the small sheep flock and management of the DIY livery business.
- 4.3.4 Given the small scale of the business and adaptation of earlier facilities there may be general tasks which are highly manual and these figures should be treated with caution as they essentially adopt averaged estimated labour requirements from a wide range of farm systems of differing scales.
- 4.4 The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so**
- 4.4.1 PPS7 advises that permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is therefore necessary for this purpose and to provide evidence of the size of dwelling the unit can sustain.
- 4.4.2 The applicant has provided income and expenditure accounts for the years ending April 2008, 2009 and 2010. These show a modest profit for each of the three years. We have not seen any accounts for the year ending April 2011 or any forecast accounts.
- 4.4.3 In terms of the financial test, the unit has been established in its current form since 2006 and has been profitable in all three years. The profit levels attained are considered modest and are not likely to significantly change unless substantial alterations and investments are made to the business model.
- 4.4.4 In its current form it is unlikely that the business could afford to construct a permanent dwelling. Hence, the application for retention of the mobile home. Consideration therefore needs to be given to the amount of weight which should be attributed to this.
- 4.5 The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned**
- 4.5.1 There are no other dwellings on the unit.
- 4.5.2 Alne is quite a large village and there are a number of properties for sale at the present time. However, these are not in the immediate vicinity of the pig unit and the minimum guide price appears to be £320,000, which is considered outside the financial capability of the business.
- 4.6 Other normal planning requirements, e.g. on siting and access are satisfied.**
- 4.6.1 The design, siting, access and impact of the dwelling are for the Local Planning Authority to assess.
- 4.6.2 We did note that the temporary dwelling has been extended with a porch and conservatory although we did not enquire as to when these had been built or whether planning permission was needed/granted. This is a matter for the Local Planning Authority to consider.

## **5.0 CONCLUSION**

- 5.1 We are of the view that this unit is borderline in terms of meeting both the functional and financial tests.
- 5.2 Cautious support has been given in the past and successive renewals of the temporary dwelling permission have been approved to enable the business to move away from its original justification and establish new ventures to a viable level.
- 5.3 Whilst PPS7 advises that Local Planning Authorities should not grant successive renewals this has been done; primarily on the justification of a change in the nature of operations.
- 5.4 The agricultural operations do not however appear to have changed significantly since 2006; if anything the site has now become more rundown.
- 5.5 However, set against the policy issues is the fact that the applicant has been living on site since 1992. In this particular case, this history may be of weight to the Council in their decision making.
- 5.6 Should you require any further information please do not hesitate to contact the authors of this report.

**CARTER JONAS LLP**  
**June 2011**

## APPENDIX 01

### ESTIMATE OF FULL TIME LABOUR REQUIREMENT

#### Providence Pig Unit, Aine

Figures calculated by reference to the Agricultural Budgeting & Costing Handbook, 72<sup>nd</sup> Edition (May 2011).

|  | Number           | Hours/Unit |                   |
|--|------------------|------------|-------------------|
| <i>Per rearing batch</i>   |                  |            |                   |
| Weaned piglets to 35kg   | 300              | 0.2        | 60                |
| 35 kg pigs to slaughter (100 -110 kg)<br>Incl additional fattening stock | 600              | 0.4        | <u>240</u><br>300 |
| Say, 2 batches per year (27 week production cycle)                       |                  |            | 600               |
| Breeding ewes  | 30               | 3.5        | 105               |
| Horses on DIY livery   | 11               |            |                   |
| Full livery equivalent at 475 hrs/horse                                  |                  | Say 10%    | 47.5              |
|  |                  |            | 522               |
| <b>Total</b>   |                  |            | <b>1,227</b>      |
| Add management & maintenance at 15%                                      |                  |            | <u>184</u>        |
|  |                  |            | 1,411 Hours       |
| <br>   |                  |            |                   |
| 1 man @ 8 hrs/day x 300 days =   | 2400 hrs/annum = | 0.59       |                   |
| 1 man @ 10 hrs/day x 300 days =  | 3000 hrs/annum = | 0.47       |                   |
| 1 man @ 12 hrs/day x 300 days =  | 3600 hrs/annum = | 0.39       |                   |

## 2.

11/01820/FUL

**Revised application for the construction of an agricultural building for agricultural storage and the housing of cattle.  
at Land At Moor Lane Carthorpe North Yorkshire  
for Mr J Prior.**

### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of an agricultural building for the housing and handling of cattle, the covered storage of manure and general purpose storage of feed and machinery together with the formation of a replacement vehicular access. The site is within a triangular field of 6.3ha (15.5 acres) between Moor Lane and the C-class road to Snape (Salmon Lane) 600m west of the western fringe of Carthorpe and immediately south of Breach House Farm which lies on the northern side of the C-class road. In addition to the land within the application site the applicant has a further 8ha (20 acres) of grazing land rented on a farm Business Tenancy Agreement although this is not contiguous with the current site.

1.2 The building for which permission is sought has an overall footprint of 335 sq.m and comprises an 18.4m x 9.2m steel portal framed building with a maximum ridge height of 6.4m with a lean-to extension again of 9.2m x 18.4m. It will be constructed in blockwork to the lower (1.8m) walls with stained timber boarding above and a dark blue/grey fibre cement sheeted roof with rooflights. The applicant has an existing building of similar dimensions immediately to the east which was permitted under Prior Notification procedure in 2010. In addition it is proposed to construct a replacement vehicular access some 100m south of the current access point onto Moor Lane.

1.3 It is stated within an accompanying appraisal that the applicant's enterprise comprises cattle, sheep, pigs and poultry rearing. It is stated that the business will buy 40-50 calves annually which will be reared on the holding until they are sold as store cattle at around 18 months old. In 2011 the applicant has lambed 18 ewes producing 29 lambs sold as fat at 48-50kg. It is intended to increase the herd this year to 30 ewes which will be used to produce progeny to be sold as fat lambs in the latter part of 2012. The applicant also runs a small herd of saddleback pigs, currently 6 boars and 6 gilts. The boars will be sold on reaching 90kg whilst the gilts will be joined by a further 6 in-pig gilts on 1st October which will then be used to produce some 100 piglets to be fattened and sold both privately and through local markets. Finally there are 25 geese, 25 ducks and 50 turkeys raised as table birds and for the Christmas trade. 50 laying hens are also kept on the holding and the eggs sold locally.

1.4 The submitted Appraisal concludes : 'Given that the business supports a large number of livestock on the holding at any one time, the current building together with the lean-to extension will not provide sufficient livestock accommodation over the winter months. With the ever increasing Animal Welfare Standards necessary to produce livestock in accordance with the requirements of the Food Standards Agency and associated legislation care and attention must be exercised when rearing livestock....Bearing in mind the livestock building requirements I am of the opinion that a new building is necessary for the efficient running of the holding and to comply with current regulations.'

1.5 The current vehicular access is in the very north-eastern corner of the site between Moor Lane and Salmon Lane. It is not a safe location and the proposed new (replacement) access will be from the eastern boundary of the site 100m to the south directly onto Moor Lane and an internal track will be provided to join the existing along the northern boundary. The existing access would be permanently closed off on completion of the new.

## 2.0 PREVIOUS PLANNING HISTORY

2.1 10/0248/APN : Construction of a general purpose agricultural storage building : Approved Nov 2010.

2.2 10/02863/FUL : Construction of an agricultural building for the housing of cattle and formation of a replacement vehicular access : Withdrawn March 2011.

## 3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

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 CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Development Policies DP26 - Agricultural issues

## 4.0 CONSULTATIONS

4.1 Carthorpe Parish Council : Strongly Objects to the application on grounds of visual intrusion, drainage, need and inadequacy of the current access.

4.2 Environment Agency : No observations.

4.3 North Yorkshire County Council (Highways Authority) : Awaited.

4.4 Environmental Health Officer : Would wish to see surface water and slurry/animal waste kept separate.

4.5 The application was advertised by site notice at the current entrance to the site and the two closest neighbours were consulted. Three responses have been received from individuals and a petition with 31 signatures objecting to the application on grounds of visual impact, drainage, need for the building, traffic generation and access and the potential future likelihood of permission being sought for a dwelling.

## 5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case to the scale, design and materials proposed for the development (Policies CP17 and DP32), the impact of the proposals on local visual amenity and landscape character (Policies CP16 and DP30) together the agricultural need and justification for the development (Policy DP26).

5.2 Notwithstanding the fact that the land owned or rented by the applicant is dispersed, the site does comprise a registered agricultural holding and the current use of the land for agriculture is an acknowledged fact which led to no objections being raised to the construction of the storage building in November 2010 referred to in paragraph 2.1 above. The applicant could, in fact, make a further application under the Prior Notification procedure in November 2012 to which it would be difficult to raise objection on the basis of the current land use and the scale, and standard of design and materials proposed for the building. In terms of the siting of the proposed building and its potential visual impact it has previously been noted that although the application site has no ownership or working relationship with Breach House Farm immediately to the north it does relate visually to this steading and from views from Moor Lane to the south and west appears as a cohesive visual unit. The formation of a replacement vehicular access is recognised by both the County Highways

Authority and local people (on the basis of a conversation with the Chairman of the Parish Council) to be an improvement.

5.3 However, whilst the contents of the agricultural appraisal submitted on behalf of the applicant are not disputed, it must be noted that this is a recently formed enterprise which has been operational at its present level for less than 12 months and does not, as yet, have a proven pattern of sales and development which more established businesses would. Nevertheless, in order to grow in this way it may be considered that additional accommodation for stock is necessary, as claimed by the applicant's agent in order to comply with current welfare regulations and standards of good practice.

5.4 Objections have been received locally which refer to drainage from the site and concern in respect of the treatment/disposal of slurry and of surface water run-off. Surface water run-off from the existing building is disposed of via drains to the south to soakaways. It is proposed that water from the new building be treated in the same way. Part of the proposed new building is to be used for the covered storage of manure on the basis of a grant from Natural England. Animal waste from the site will be spread on the applicant's own land.

5.5 Objections also received have made reference to claims that the applicant is seeking the current permission in order to attempt to construct an agricultural dwelling on the site in due course. This has been discussed with the applicant who has stated that this is not his intention. Whilst any future application must be considered if submitted it is a fact that on the basis of the current scale and nature of the applicant's business (ie buying in cattle rather than breeding) and the proximity of his present house in Snape it is considered wholly unlikely that a legitimate case could be made which would satisfy the requirements of PPS7. The current application must, therefore be determined solely on the basis of the considerations set out in para 5.1 above.

5.6 This recommendation is subject to the receipt of further representations which may be received from the County Highways Authority (including conditions to be imposed) and Carthorpe parish Council in respect of re-consultation regarding the proposed replacement access.

## SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document identified in the above report in that the scale, design and materials proposed in association with the siting close to other agricultural buildings in the area will assist in the growth of a modest new agricultural enterprise with no demonstrable adverse impact on adjacent amenity or landscape character.

## 6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. 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.

3. Prior to the commencement of the construction of the proposed building the applicant shall submit for the written approval of the Local Planning Authority details of the siting of the underground surface water collection tank and the drainage routes to, and location of, soakaway areas together with details of the programme for and location of the spreading of all animal wastes arising from the site.

4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref Plan 1 ; Plan 2 ; Plan 3) and details attached to planning application 11/01820/FUL received by Hambleton District Council on 22nd August 2011 unless otherwise agreed 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 to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policies CP16 and DP30.

3. In the interest of local amenity and the prevention of pollution arising from the site in accordance with Policies CP21 and DP42.

4. 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 CP16, DP30, CP17 and DP32.

### 3.

11/01709/FUL

**Construction of 4 bedroom detached dwelling with detached garage as amended by plan received by Hambleton District Council on 3 October 2011.  
at 17 Barns Wray Easingwold North Yorkshire YO61 3RS  
for Mr S J Morgan.**

#### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of a detached four-bedroomed dwelling with a (detached) double garage on land on the very northern fringe of the former Claypenny Hospital site in the north-eastern corner of the town.

1.2 The site was developed in the latter years of the 1990s and early 2000s as a high quality development which had a full range of house types and sizes (2-bedroomed to 5 beds) with care being taken to retain the mature trees within the area (all significant ones being covered by formal Orders) with frequent enclosed green/amenity areas within. No specific density standards were imposed within the estate by the overall planning permission. The southern and western parts of the development were of a lower density 'executive' nature with substantial houses in larger plots.

1.3 The proposed dwelling is within the curtilage of the applicant's existing dwelling immediately to the east. The applicant has indicated that he may live in the proposed new dwelling and sell the existing, and some other personal considerations have been referred to in correspondence received. However, such considerations are not relevant in respect of the determination of this application which relates solely to the acceptability of the submitted scheme in the context of its scale, design and potential impact on the amenity and character of the area (as further referred to in para 5.1 below).

1.4 The proposed dwelling is to be constructed in facing brickwork with interlocking concrete tiles and white upvc windows and doors sympathetic to the neighbouring properties. The site boundary to the north comprises the development limits of the town and consequently, open fields with substantial planted areas beyond. The eastern boundary, against which the garage will be constructed, will comprise the remainder of the applicant's current ownership, the southern boundary will also relate to his land as a shared private access and turning area will be provided. There is a difference in level of 1m between the access point to the proposed new garage and the existing route to the applicant's current garage which will require this part of the site to be graded. The western boundary will adjoin a strip of land retained by Persimmon, the developers of the Barns Wray estate, which could, potentially, give future access to the land beyond. However, as noted above, such land is beyond the development limits of the town which is unlikely to change for very many years.

1.5 The scheme as originally submitted had a ground floor footprint of 9.5m in width x 10.5m in depth (max) and the garage was 7.4m x 6.4m with a gymnasium above giving a ridge height of 6.7m. Following discussions with the applicant amendments have been made which reduced the footprint of the house to 9.5m x 7.3m and the garage now omits the gymnasium and measures 5.8m x 5.4m with a hipped ridge height of 4.6m.

1.6 The closest dwelling to the proposed house lies a minimum of 15m from its south-western elevation which has one small window opening to a dining room. The other closest houses lie between 20 and 40m away across a planted green amenity area. All the houses within the Barns Wray area are substantial in scale, several larger than the proposed dwelling. It is, nevertheless recognised that the plot size of the proposed dwelling (aprox



470sq.m) is smaller than most houses of this size although it is set against an open background as noted above.

1.7 The siting of the dwelling within the plot as currently shown gives a rear garden of 7m (minimum). In order to give an increased distance between the site and closest adjacent houses further discussions have been held with the applicant to move the dwelling further to the north. This would reduce the rear garden but in view of the character of the open land beyond it is considered that this would still allow an appropriate area of private amenity space to the rear for the benefit of the occupiers. It is hoped that an amended plan will be available for display at the site visit.

## 2.0 PREVIOUS PLANNING HISTORY

2.1 2/96/41/528B : Layout of land and construction of 162 dwellings and garages : Permission Granted 1997.

2.2 There have been no previous applications within the application site itself or its curtilage.

## 3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Core Strategy Policy CP4 - Settlement hierarchy  
Development Policies DP30 - Protecting the character and appearance of the countryside

## 4.0 CONSULTATIONS

4.1 Easingwold Town Council : Wishes to see the application Refused (dwelling too large for the site and not in keeping with the streetscene).

4.2 North Yorkshire County Council (Highways Authority) : No objections in principle, clarification of turning area sought. Further comments awaited.

4.3 Environmental Health Officer : No observations.

4.4 Yorkshire Water : No observations.

4.5 Environment Agency : No observations.

4.6 The application was advertised by site notice at the front of the site and adjacent neighbours were consulted. Letters of objection have been received from 14 households and a letter received from a consultant acting on behalf of a number of the neighbours. The objections to the scheme relate to the size, scale and design of the proposed dwelling and the comparative size of the plot curtilage, the loss of green space/open area within the estate, the additional traffic which would be generated, impact on neighbouring amenity, the potential precedent which could encourage other similar applications, the need for affordable dwellings in the town and housing for the elderly and the general adverse impact of the scheme on the estate which would increase the overall density, contrary to the original concept of a low density development. Respondents were re-consulted on the amended plans which reduced the footprint of the dwelling and reduced the size of the garage but similar responses were also received confirming the original comments from original respondents.

## 5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies

document as set out above and relate, in this case, to the sustainable nature of the site location (Policy CP4) the scale, design and materials proposed, including the overall relationship of the site to the density and character of the adjacent estate (policies CP17 and DP32), the impact on local visual amenity and landscape character (Policy DP30), the impact on neighbouring amenity and privacy (Policy DP1) and compliance with Policy DP37 in respect of a contribution towards the provision/maintenance of open space and amenity areas within the local area.

5.2 Although, literally, bordering onto the boundary of the defined development limits of the town, the site is within those limits and Easingwold is designated as a Service Centre having a wide range of local services and facilities suitable for the assimilation of additional residential development. The site is, consequently, a fully sustainable location in local and national Policy terms.

5.3 This part of the former Claypenny Hospital development is, as noted above, characterised by substantial dwellings, typically with a minimum of four bedrooms and double garages. All are red brick construction beneath pitched tiled or slated roofs with gable or hipped ends. Windows are white upvc casements of varying styles. In addition a mixture of brick and artstone detailing 'individualises' the properties. The dwelling proposed is fully sympathetic to the scale and style of adjacent properties within this immediate area including the use of appropriate materials and detailing. It has been noted above that the plot size proposed is not as large as the majority of the immediately adjacent properties. However, it is considered that the siting of the dwelling with open land to the rear (north), a planted amenity area to the front (south) and the strip of land retained by Persimmon to the west, ensures that this part of the estate is not seriously compromised in terms of its overall density and appearance. (The existing density of Barns Wray has been calculated at 11.7 dwellings per ha. The addition of the proposed new unit would raise this figure to 12.4 per ha.) The amended plan to be submitted by the applicant showing a relatively small but important re-siting of the footprint to the north will assist further in this respect. Views into the estate are available from the dwellings on Foss Walk to the west of the site although the landscaped nature of the estate and the overall mass of dwellings visible from that road means that the construction of a single additional dwelling will have no discernable impact on local visual amenity or landscape character.

5.4 It has been noted above that the closest dwelling to the site is 15m to the west separated by the strip of land retained by Persimmon. The area includes the vehicular access to the adjacent dwelling (15 Barns Wray) and its front garden. The proposed dwelling faces virtually due south whilst no.15 faces south-east. The occupiers of no.15 will have views of the gable end of the proposed dwelling which has a small window to a dining area. It is considered that although planting will screen this window it would be appropriate to require obscured glazing particularly as opening 'french doors' also serve the same room. The garaging/parking/turning activities for the new dwelling are to the north-east and, consequently, there will be no disturbance to the occupiers of no.15 in this respect. The next closest dwelling is no.11 which is 20m away at the nearest point to its end gable which has no openings facing the new property. It is, consequently considered that there will be no demonstrable adverse impact on adjacent residential amenity which would warrant a refusal of permission on those grounds.

5.5 The proposed dwelling is a four bedroomed unit and the applicant has agreed an eventual payment of £4400 towards the provision of new/improved open space/amenity facilities in accordance with the Council's Policy. A Unilateral Undertaking is currently in the course of preparation and no planning permission will be granted prior to its completion.

5.6 The recommendation set out below is conditional upon the receipt of an amended plan showing a revised siting of the dwelling and the further, final, response of the County Highways Authority.

## SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the dwelling is within a sustainable location, is of a scale, design and materials sympathetic to neighbouring properties, its siting adjoining open countryside and a landscaped amenity area will have no demonstrable adverse impact on the overall character of the area or on adjacent residential amenity.

#### 6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
3. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 2 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
4. 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. a) The development shall be constructed of the approved materials in accordance with the approved method. b) The mortar mix and pointing finish to be employed shall be agreed in writing by the Local Planning Authority. c) Prior to development commencing details of the cross-section of the all window and door frames, and any glazing bars, together with details of the method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority.
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 permission hereby granted shall not be undertaken other than in complete accordance with the drawing (ref 3465-05 Rev.A) attached to planning application 11/01709/FUL received by Hambleton District Council on 11th August 2011 unless otherwise agreed 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. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
3. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
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 Policies CP17 and DP32.
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 Policies DP1 and CP30.
6. 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 DP1, CP17 and DP32.

## 4.

11/01931/FUL

### **Demolition of existing bungalow and construction of a replacement dwelling. at Carholme Raskelf Road Easingwold North Yorkshire for Mr S Dugdale.**

#### 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application seeks consent for the demolition of an existing dwelling and construction of a replacement dwelling at Carholme, Raskelf Road, Easingwold. The existing property is a small two bed bungalow and the applicant originally intended to alter and extend the existing dwelling. However, there were significant concerns that this proposal would have a harmful impact upon the amenities of the nearby neighbours and the application was subsequently withdrawn.

1.2 This application proposes the construction of a one and a half storey dwelling with living area, kitchen, utility and bedroom at ground floor level, and three bedrooms and two bathrooms above. The re-build will allow the dwelling to be sited so that the ridge of the dwelling is further away from the west boundary thereby minimising the impact upon the adjoining neighbour. The dwelling will also be set back approximately 5 metres to match the building line along Raskelf Road. There is a car port to the west elevation of the building and the existing vehicular access will be retained.

#### 2.0 RELEVANT PLANNING HISTORY

2.1 2/77/041/0146 - Outline application for the construction of a dwelling. Granted 28 July 1977.

2.2 2/78/041/0146A - Details of the construction of a detached bungalow. Granted 31 August 1978.

2.3 11/01180/FUL - Proposed alterations and extensions to existing dwelling and construction of a garage. Withdrawn.

#### 3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Development Policies DP1 - Protecting amenity
- Core Strategy Policy CP2 - Access
- Development Policies DP4 - Access for all
- Core Strategy Policy CP4 - Settlement hierarchy
- Development Policies DP8 - Development Limits
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design

#### 4.0 CONSULTATIONS

4.1 Parish Council – Awaiting response, expiry 19 October 2011.

4.2 NYCC Highways – No objections. Conditions recommending, received 23 September 2011.

4.3 Yorkshire Water – Awaiting response, expiry 4 October 2011.

4.4 Neighbours consulted and site notice posted – Awaiting response, expiry 7 October 2011.

## 5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of the development in this location, the effect of the development on the character and appearance of the surroundings, the impact on the amenity of local residents, and highway safety issues.

5.2 The dwelling is located inside the Development Limits of Easingwold which has been designated as a Service Centre within the Settlement Hierarchy. A proposal to demolish and replace an existing dwelling is therefore considered to be acceptable, in principle.

5.3 There are some concerns with regards to the design of the dwelling, use of materials and impact on the streetscene. It has been suggested that the plans are amended to reflect these concerns and a streetscene plan is submitted to illustrate how the dwelling would sit within the streetscene. NYCC Highways have no objections to the proposal and it is considered that the scheme will not impact upon highway safety.

5.4 During a meeting with the planning officer the neighbours to the west of the site indicated that they still have concerns regarding the impact of the dwelling on their property, Bellwood Cottage, and the streetscene. Bellwood Cottage has a living room and bedroom window which overlook the development. The property will be higher than the existing building by approximately 1 metre. The previous scheme to extend the dwelling brought the ridge line of the property closer to the west boundary. Demolishing the dwelling and re-building it will allow the ridge of the property to match the positioning of the existing ridge thereby reducing the impact on the neighbour. Whilst it is considered that the proposal will have an impact upon the adjacent neighbour it is considered that the increase in height will not significantly increase overshadowing or have an unacceptable overbearing effect. The neighbour also has concerns regarding damage to the boundary hedges. It is considered appropriate to attach a condition to ensure that the hedgerows along the boundaries of the site are retained in order to protect the appearance of the site and the amenities of the adjacent neighbours.

5.5 There are some concerns regarding the design and materials of the scheme and whether this would have an impact upon the streetscene and surrounding area. It is considered that, in principle, the scheme is acceptable and the scheme can be amended to reflect these concerns. The proposal is therefore recommended for approval subject to scheme being appropriately amended.

## SUMMARY

It is considered that the proposal is acceptable, in principle, and complies with policies CP4 and DP8 of the Hambleton Local Development Framework. There are concerns relating to the design of the scheme but with appropriate amendments it is considered that the development will comply with the design policies within the LDF. The development will therefore not have a harmful effect on the property or streetscene. It is considered that the amenities of the neighbours will not be significantly affected.

## 6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. 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.

3. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i)

on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation.

4. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

5. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 11\_024\_002 rev. A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

6. No part of the existing boundary hedge along the east and west boundary(ies) of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 2 metres other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.

7. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) received by Hambleton District Council on 5th September and 13th September 2011 unless otherwise agreed 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. 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.

3. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

4. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

5. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
7. 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 Policy(ies) CP17 and DP32.



Huby

Committee Date : 13 October 2011

Officer dealing : Mrs H M Laws

Target Date: 20 September 2011

## 5.

11/01568/FUL

**Temporary siting of a caravan to be used as an agricultural workers dwelling (3 year period).**

**at Tall Oaks Farm Huby North Yorkshire YO61 1HF  
for Mr Antony Warren.**

### 1.0 PROPOSAL & SITE DESCRIPTION

1.1 The application site lies approximately half a kilometre to the south of Huby accessed from Bell Lane down a track shared with several other properties. There are existing farm buildings at Tall Oaks Farm but no residential use.

1.2 The existing farm buildings are used as a grain store and a general purpose store. The farmstead operates in association with land elsewhere for arable cropping. The grazing of sheep also operates under a contract for 3-4 months during winter.

1.3 It is proposed to site a caravan at the farm to provide living accommodation for a farmworker. Permission is requested for a period of 3 years.

1.4 The application is presented to Planning Committee at the request of the Ward Member.

### 2.0 PLANNING HISTORY

2.1 2/95/070/0230 – Extensions to existing agricultural building for general storage purposes and for the accommodation of livestock. Permission refused for the following reason:

The proposal would be contrary to Policy E2 of the Vale of York Local Plan and Policy EM15 of the Hambleton District Wide Local Plan Draft, which state that such extensions to agricultural buildings should not have significant adverse impact on the amenity of existing residents. As the extensions proposed are to be used for the housing of livestock and their other uses would increase activity in the vicinity and on the access, it is considered that the amenities of the occupants of nearby residential properties could be adversely affected by noise, smells and general activities associated with such uses.

2.2 AN2/96/070/0230A - Prior Notification of a proposal to construct an extension to existing agricultural building. No objections 24/4/1996.

2.3 2/01/070/0230B - Construction of an agricultural grain storage building. Permission granted 15/6/2001.

2.4 04/02499/MRC - Application to remove condition no 4 of planning approval ref 2/01/070/0230B and retrospective application to increase area of hardstanding. Permission granted 15/2/2005.

### 3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

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

Development Policies DP1 - Protecting amenity

Development Policies DP9 - Development outside Development Limits

Development Policies DP26 - Agricultural issues

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

PPS7 - Sustainable Development in Rural Areas

#### 4.0 CONSULTATIONS

4.1 Parish Council - would like to see it approved for a three year term for the following reasons:

- support for local agriculture
- support for growing a local business in secure conditions
- helping to keep a local farming family working in the community

4.2 NYCC Highways Dept - The applicant has not included the access track within the red lined plan. An earlier application for the site included the track and so it is assumed that vehicular access rights exist. On this understanding, the Highway Authority has no objection to the proposal.

4.3 Yorkshire Water – no comments

4.4 Kyle & Upper Ouse IDB – no observations

4.5 Site notice/local residents – one letter has been received from a nearby resident whose comments are summarised as follows:

1. The proposed siting location for the caravan in between the 2 existing barn buildings is directly in the line of vision from our property. We would therefore request that any caravan unit be located to the right hand side of the right hand barn (grain storage). The proposed siting location is also clearly visible from the track which runs from Sutton Road to Hollin Hill House and neighbouring properties, which is a public footpath.
2. To reduce the anticipated increase in noise pollution from farm vehicles passing adjacent to our property, we would also request that an additional "shelter belt" of trees be planted on the land between our property and the access track which runs from Sutton Road to the farm.
3. We request that any arrangements for the disposal of foul drains from the proposed temporary dwelling, take into account that we have a large wildlife pond and habitat in our property situated very close to the proposed site.

#### 5.0 OBSERVATIONS

5.1 The key issues include the principle of a residential use on this site, whether the need for farmworker's accommodation satisfies the functional and financial tests of PPS7, the suitability of the siting of the caravan in respect of its effect on the character and appearance of the surrounding landscape and relationship to the farm and highway matters.

5.2 The provision of residential accommodation in the countryside is strictly controlled by Policies CP1 and CP4 of the Local Development Framework Core Strategy and the advice in PPS7 Annex A. Policy CP4 and PPS7 require that any residential development outside Development Limits will only be permitted in exceptional circumstances when all of the following criteria are met:-

- 1) It is proved to be essential to the functional needs of the enterprise to house a full-time worker at or in the immediate vicinity of their place of work.
- 2) There is firm evidence of the financial viability of the enterprise both at the time of the application and in the longer term.
- 3) The need cannot be met in a nearby settlement or by an existing dwelling in the locality or by the conversion of an existing building in the locality.

5.3 A report has been undertaken on behalf of the Local Authority by Carter Jonas, which concludes that there is no functional need for a worker to live on site. Paragraph 4 of PPS7 Annex A sets out those circumstances where a functional need could be justified in terms of animal welfare or agricultural processes requiring essential care at short notice or dealing with emergencies that could otherwise cause serious loss of crops or products. Carter Jonas reports that the farm is a specialised arable cropping operation and has no processes that would result in the loss of high value crops or products.

5.4 The applicant's need for a dwelling, as stated within the application, is to provide security. Paragraph 6 of Annex A refers to 'the protection of livestock from theft or injury by intruders (which) may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not be itself be sufficient to justify one'. The only livestock on the premises are sheep for a period of time over winter and therefore there is no livestock that requires essential care at short notice. The report concludes therefore that although a dwelling on the holding is desirable it is not essential.

5.5 Financial details submitted with the application demonstrate that the business has been established for at least 3 years and has a reasonable level of profit. The financial test is therefore achieved.

5.6 There is no other existing accommodation on site and although the farm is within relatively easy reach of Huby, it would not satisfy the need if accommodation was required to be within sight and sound of the farm. Other dwellings closer to the application site are not currently available for sale or occupation at an appropriate price and there are no buildings that would be suitable for conversion.

5.7 The caravan is proposed to be sited between the existing farm buildings within the farmyard. It is a site that has a negligible visual impact on the surrounding landscape therefore is an acceptable location. It is not however suitable for a permanent unit of accommodation as it is too small but it is sheltered and particularly appropriate for a caravan. The position lies more than 100m from the neighbouring dwelling and therefore will have no impact on residential amenity. There are no objections to the proposed siting.

5.8 Residential development can only be permitted in a location such as this where exceptional circumstances have been proven and where the criteria of PPS7 Annex A have been addressed. In this case, it is not considered that there is a functional need for a worker to live at the site and therefore refusal of the application is recommended.

## 6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. The proposal is contrary to Local Development Framework Policies CP1, CP4, DP9 and the advice within PPS7 as it has failed to demonstrate that the proposed residential unit on this agricultural holding is essential to the functional needs of the farming enterprise.

The applicants consultant report follows:

## **2. SITE INSPECTION / INFORMATION SUPPLIED**

- 2.1 The holding was inspected on 16<sup>th</sup> May 2011 and has also been inspected on several occasions prior to this.
- 2.2 In-depth interviews have been carried out with Antony Warren when details of the farming business have been fully clarified.
- 2.3 Profit and Loss Accounts for the years ended 30<sup>th</sup> September 2008, 2009 and 2010 have been provided and considered within the Report together with a projected Trading and Profit and Loss Account for year ending 30<sup>th</sup> April 2012.

## **3. LOCATION**

- 3.1 The farmstead for Tall Oaks Farm and the majority of the land is located approximately one mile west of Sutton On Forest and south of the village of Huby. These villages lie within the vale of York, approximately 6 miles north of the city of York.
- 3.2 In addition to the land at Tall Oaks Farm, there are two further blocks of land which are farmed by the business of A. and R. Bentley, one on the outskirts of Crayke which is approximately 5 miles north of the main farm and one of which is at Stockton On The Forest, which is approximately 8 miles south west of the main farm.
- 3.3 The location of the farm and land is shown on the plans at Appendix A.

## **4. HISTORIC SUMMARY**

- 4.1 The Bentley family has been farming land adjacent to the farmstead at Tall Oaks Farm since 1953 and the field where the farmstead is located was purchased in 1996. The land was farmed by Antony's Grandfather and then subsequently by Antony's Uncle Raymond until 2003 when Raymond unfortunately committed suicide.
- 4.2 Following Raymond's death the land was left in Trust for Antony and his brother James. At that time, Antony and James were too young to fully take on the farm in their own right, however, they were very keen to help and assist in any way they could. The boys, together with their parents and grandparents managed to continue with the farming business through to the current date and Antony is now old enough and committed enough to continue the farming business in his own right.
- 4.3 Whilst the farm has been run within the Trust, the business has not stood still, it has continued to invest both in terms of equipment and land, acquiring approximately 72 acres of additional land last year.

5. **DESCRIPTION**

The farm is essentially in three parts, the main farm with farmstead which extends to approximately 108.15 acres, the land at Stockton on the Forest which extends to 72.32 acres and the land at Crayke which extends to 36.05 acres.

Details of the land are shown on the plans at Appendix A and a Schedule of the Land giving details of Tenure is given in the table at Appendix B.

5.1 **The Farmstead**

The farmstead is located within Field SE 5664 5394, which is accessed from a track which leads from Bell Lane. The steading includes a good sized area of hardcore standing together with buildings which comprise:-

5.1.1 **Grainstore** 120' x 45'

Of steel frame open span construction with block base walls, concrete floor and corrugated asbestos sheet roof with corrugated asbestos sheet cladding.

5.1.2 **General Purpose Building** 90' x 50' with 30' lean-to

Steel frame open span construction with hard core floor, steel profile sheet cladding and corrugated asbestos sheet roof.

5.2 **The Land**

5.2.1 The land extends to 108.15 acres, 101.18 of which is situated within a ring fence and is divided into seven fields. The remainder 6.97 acres is situated just slightly away from the main farm with a small amount of road frontage to Skates Lane.

5.2.2 The land is all arable land with a mixture of light blowing sands and heavier wet laying clay soils. Much of the land is under-drained and it all appears to be very well farmed. There are large areas of the land which are suitable for growing combinable crops and roots, with one third of the land being heavier clay which is more suited to combinable crops.

5.3 **The Land at Stockton On Forest**

The land at Stockton On Forest extends to approximately 72.32 acres which is divided into four good sized arable fields. The soil is a deep stoneless sandy soil suitable for growing a range of crops.

5.4 **The Land at Crayke**

The land at Crayke extends to approximately 36.05 acres which is divided into two fields and has soil suitable for growing high yielding combinable crops.

## **6. THE FARMING BUSINESS**

### **6.1 General Policy**

- 6.1.1 The business of A. and R. Bentley is an arable farming business which grows a rotation of predominantly combinable arable crops including wheat, winter and spring barley and oilseed rape. The business also grows fodder beet on some of the sandy land, as an alternative break crop.
- 6.1.2 The grain is stored at the Farmstead for sale, usually in late Spring or early Summer to take advantage of higher prices.

### **6.2 Business Structure and Labour**

- 6.2.1 The business for Legal purposes is held in the trust of A. and R. Bentley with Mrs. Sandra Warren as Trustee.
- 6.2.2. The labour for the business is predominantly provided by Antony Warren with additional assistance in busy times provided by Antony's brother James and his Father Paul. Antony receives assistance with bookwork from his Mother, Sandra and his Grandmother, Mrs. Bentley.

### **6.3 Investment**

- 6.3.1 Last year the business invested a huge amount of money purchasing an additional 72 acres of land. Over and above this, the business has continued to invest in farm machinery and equipment and Appendix C shows a list of the main items of machinery which are held by the Business.

### **6.4 Financial Status**

- 6.4.1 Accounts are available for the years ended 30<sup>th</sup> September 2008, 2009 and 2010, together with projected Accounts for the year ended 30<sup>th</sup> April 2012. The Accounts show that the business has been profitable in all 3 years with profits steadily increasing and the projection shows that the business will, again, be profitable in year end April 2012.

The balance sheets for the business show that the business is financially in a very healthy state.

## **7. THE PROPOSAL**

### **The proposal and personal circumstances surrounding the proposal.**

- 7.1 Antony is now 21 years old. Other than time spent at College he has always lived with his parents in Huby and continues to do so. He is now wanting to gain his independence and move out from his parents and he needs to move closer to the farm, ideally to live on site.

7.2 The proposal is to site temporary accommodation at the Farmstead for Antony to occupy in association with the Farming Business which is based at Tall Oaks Farm.

## **8. PLANNING POLICY IN CONNECTION WITH AGRICULTURAL DWELLINGS.**

8.1 *Planning Policy Statement 7: Sustainable Development in Rural Areas* provides National Guidance as to when Planning Permission should be granted in rural areas. Important features within this document which are relevant to this business are as follows:-

### **8.2 The Government's Objectives**

1. *To raise the quality of life and the environment in rural areas through promotion of:-*

- \* Thriving, inclusive and sustainable rural communities, ensuring people have decent places to live by improving the quality and sustainability of local environments and neighbourhoods;
- \* Sustainable economic growth and diversification;
- \* Good quality, sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside; and
- \* Continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources.

2. To promote sustainable, diverse and adaptable agricultural sectors where farming achieves high environmental standards, minimising impact on natural resources and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants.

### **8.3 Key Principles**

1. Sustainable development is the core principle in under-pinning land use Planning. Decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of;

- \* Social inclusion, recognising the needs of everyone.
- \* Effective protection and enhancement of the environment.
- \* Prudent use of natural resources.
- \* Maintaining high and stable levels of economic growth and employment.

8.4 **Annex A of PPS 7** describes the actual tests for temporary agricultural dwellings which should be carried out within the overall guidance of the previously described Policy. The relevant paragraphs are shown below.

8.5 **Paragraph 12 – Temporary Agricultural Dwellings**

If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:-

- i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- ii) functional need (see paragraph 4 of this Annex);

**Paragraph 4**

A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more works to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:

- i) In case animals or agricultural processes require essential care at short notice;
  - ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.
- iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
  - iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
  - v) other normal planning requirements, e.g. on siting and access, are satisfied.

9. **THE PROPOSAL IN RELATION TO PLANNING POLICY**

9.1 The proposal put forward by Antony Warren is a genuine proposal for a genuine farming business. It will allow Antony to move out from his parents' home and move on site which will, in turn, allow the business to continue to prosper in its current form and to hopefully expand into the future. On this basis, it clearly satisfies the Government's objectives and fits in with their key principles.

9.2 The farm is currently a sustainable business and the proposal will allow the business to continue in a sustainable manner with good prospects for ongoing growth providing a platform for long term viability.

c:\appraisals\21-06 – Warren, Tall Oaks Farm, Sutton Road, Huby



**9.3 Paragraph 12(i)**

9.3.1 There is obviously clear evidence of a firm intention and ability to develop the farming business and this is evidenced by the recent purchase of 72 acres of land together with the ongoing purchases of expensive good quality farm machinery and equipment together with financial evidence in the form of Accounts to show that the business is already being developed.

**9.4 Paragraph 12(ii) and Paragraph 4**

9.4.1 The business has been established for many years and throughout this time it has always been managed by someone living close at hand, more recently either in Sutton On Forest or Huby. It has gradually become more and more difficult to manage the farm not living on site for many reasons.

9.4.2 It is very difficult to ensure compliance with Health and Safety Regulations particularly regarding the storage of chemicals and fertilisers. Due to the volatility of commodity prices it is also now essential to be able to dry and store grain and not to be forced to sell at harvest. It is very difficult to safely organise the drying and storage of grain from a 200 acre farm without living on site to be able to attend to the drier throughout the night.

9.4.3 It is also expected in the modern 24 hour society to be able to accommodate deliveries well outside normal working hours which it is very difficult to do without living on site.

9.4.4 Travelling backwards and forwards from home to farm is expensive and adds unnecessary traffic pollution which will be two major concerns if Antony is forced to move to a property a considerable distance from the farm. It is also the case that at present, Antony often calls at home at lunchtime when he is in the tractor with machinery on the back. Whilst this is not ideal at his current home, he has been able to get away with it however if he is forced to move to an unsuitable property in a cul-de-sac type residential location then calling at home with tractor and equipment will be impossible.

9.4.5 Over and above the reasons given above, there are very serious security issues



9.4.6 It is clear from the evidence given above that it is essential for the proper functioning of the farming business that at least one worker should live on site.

**9.5 Paragraph 12(iii)**

9.5.1 The financial evidence given shows the business as being profitable for each of the last 3 years and is projected to be profitable again in the current year. With regular profits and a healthy balance sheet, in our opinion, there is clear evidence that the proposed business has been planned on a sound financial basis.

## 1.0 INTRODUCTION

- 1.1 This report has been prepared at the request of Hambleton District Council to provide advice in relation to a planning application submitted by Kevin Grinham Design on behalf of Mr Anthony Warren trading as Messrs A & R Bentley.
- 1.2 The application is for a temporary dwelling to be used in association with the farming activities operated from Tall Oaks Farm.
- 1.3 The information contained within this report is based upon the information submitted with the application and a site visit to Tall Oaks Farm to meet the applicant, Mr Anthony Warren, his father Mr Paul Warren and their agent, Mr Kevin Grinham on Thursday 18 August 2011.
- 1.4 This report is based upon the guidance provided in Annex A of Planning Policy Statement 7 *Sustainable Development in Rural Areas*. It summarises the proposal and whether, in our view, the requirements of planning policy can be satisfied.
- 1.5 The report has been prepared jointly by Tom Whitehead MSc MRICS FAAV, Senior Associate Rural Practice Chartered Surveyor of Carter Jonas' Harrogate Office and Kate Broadbank MA MRTPI, Senior Planner also of Carter Jonas' Harrogate Office.

## 2.0 THE PROPOSAL

- 2.1 Tall Oaks Farm is located on the southern outskirts of the small rural village of Huby, between Easingwold and York, North Yorkshire. The property is accessed by a private lane from Bell Lane which connects Huby and Sutton on Forest, with the track leading down to the farm and a further property beyond.
- 2.2 We understand the field where the farmstead is located was purchased in 1996 and the new farmstead developed from that time on a greenfield site. Due to various and significant changes in family circumstances the land has been held in Trust for Antony Warren, who is now old enough to inherit the farm although he has been actively involved in running the business for the past ten years.
- 2.3 The Agricultural Appraisal submitted with the application advises that the holding extends in all to approximately 216.52 acres of arable land split between three locations:
 

|                          |              |                  |
|--------------------------|--------------|------------------|
| - Tall Oaks, Huby:       | 108.15 acres | (Owner-occupied) |
| - Stockton on the Forest | 72.32 acres  | (Owner-occupied) |
| - Crayke                 | 36.05 acres  | (Rented land)    |

We were also advised during our site visit that the applicant's now contract farm an additional 50 acres of arable land on the north side of Huby village.
- 2.4 The agricultural operations at Tall Oaks Farm are centred on conventional arable cropping, with a rotation of predominantly combinable crops grown, including wheat, winter and spring barley, oilseed rape and with some fodder beet as a break crop.

- 2.5 In addition, for the past 4-5 years we were advised during our site visit that the applicants have taken in approximately 1,000 sheep to overwinter on the fodder crop which also includes catch crops such as stubble turnips between winter and spring barley crops. The grazing of sheep is limited and operated under a contract basis for 3 – 4 months during winter with all stock removed prior to spring lambing.
- 2.6 The applicants are of the view that it is not possible to continue to run and develop their farm and business without a permanent on site presence and propose a temporary dwelling to be occupied by Antony Warren.

### 3.0 PLANNING POLICY CONTEXT

- 3.1 The planning policy framework relating to agricultural workers dwellings is principally set out in Planning Policy Statement 7 *Sustainable Development in Rural Areas*. Annex A of PPS7 deals with agricultural, forestry and other occupational dwellings and advises that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable such workers to live at, or in the immediate vicinity of, their place of work.
- 3.2 Planning applications for temporary agricultural dwellings should be assessed against the criteria set out in paragraph 12 of Annex A. This sets out five specific requirements for such applications to be supported. We consider these within the Assessment section below.
- 3.3 The Hambleton Local Development Framework sets out the local policy framework within which planning applications are determined. Policy CP4 of the Core Strategy advises that dwellings outside development limits will be supported where, among other criteria, they are necessary to meet the needs of farming activities. This policy is further supported by Policy DP9 of the Development Policies DPD, which advises that development outside development limits will only be granted in exceptional circumstances having regard to the provisions of Policy CP4.
- 3.4 In summary, the general policy background is set out in the Core Strategy and Development Policies DPDs and the detail of any scheme must be assessed against the tests set out in PPS7.

#### 4.0 ASSESSMENT

4.1 We assess the application against the tests set out in paragraph 12, annex A of PPS7 below:

**4.2 Clear evidence of a firm intention and ability to develop the enterprise concerned (*significant investment in new farm buildings is often a good indication of intentions*)**

4.2.1 The Agricultural Appraisal advises that since 2003 the farm has been held in a family Trust for Anthony Warren following the tragic deaths of his respective grandfather and uncle until Mr Warren had reached a responsible age and could take over the running of the farm.

4.2.2 During this time the farm has continued to operate and trade independently and last year purchased an additional 72 acres at Stockton on the Forest. We do not doubt that this is a genuine farming enterprise or that the applicants have the intention and ability to develop the business.

**4.3 Functional need**

4.3.1 The Agricultural Appraisal and our discussions with the applicants on site indicated that the need for the dwelling is based upon the following factors:

- Security and storage of chemicals and fertilisers
- Ability to store and dry grain and to run the drier through the night during the harvest period
- To accept deliveries outside normal working hours
- To minimise travel between the site and the existing Warren family home with large agricultural vehicles
- General security of machinery and implements

4.3.2 The advice in PPS7 is important to consider when assessing whether there is a functional need for an agricultural dwelling. Paragraph 4 of Annex A sets out those circumstances where a functional need could be justified in terms of animal welfare or agricultural processes requiring essential care at short notice or dealing with emergencies that could otherwise cause serious loss of crops or products. In terms of security, paragraph 6 of Annex A advises that "*the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not be itself be sufficient to justify an agricultural dwelling*".

4.3.3 Tall Oaks Farm is a specialised arable cropping operation. Apart from the overwintering of sheep for a period during winter there are no livestock on the premises that require essential year-round care or any processes that would result in the serious loss of high value crops or products.

4.3.4 Whilst we appreciate that a dwelling on the holding would be convenient for the applicants we consider that the general security concerns raised, whilst generally valid, are not sufficient on their own to fully justify a dwelling.

4.3.5 During our site visit we were advised that whilst the sheds were lockable there are no alarms or cameras on the site. The applicants stated that their insurance company had advised that

they were not in favour of alarms or cameras as they would prefer to pay out than for someone to respond to an intruder with the potential for injuries during confrontation. We cannot comment upon this assertion.

4.3.5 It is our view that the reasons noted above as justification for a dwelling do not meet the requirements of PPS7 in relation to the functional test and this criterion is therefore not satisfied.

**4.4 Clear evidence that the proposed enterprise has been planned on a sound financial basis**

4.4.1 The applicants have provided in confidence summary accounts within the trading name, A & R Bentley for the period 2007 – 2010 together with overview budget accounts incorporating additional land up to 30<sup>th</sup> April 2012.

4.4.2 We confirm that whilst the accounts report variable levels of turnover and profit, each year reports a reasonable level of profit and the business has been clearly established for at least three years. Personal drawings vary between the years although are again considered reasonable and sustainable within the context of an expanding business.

4.4.3 The budget accounts to 2012 analyse estimated performance into both existing business size with separate figures presented for the additional land recently taken on. Whilst these are estimates based on a number of assumptions including market trading values, the summary budgets estimate a further uplift in profit performance as a core reflection of the current buoyant trade for arable commodities as well as increased area.

4.4.4 Part of this uplift could relate to the apparent change in trading period (i.e. up to 30<sup>th</sup> April 2012 rather than the current year end, 30<sup>th</sup> September 2011) although the relative uplift in profit is considered reasonable

**4.5 The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned**

4.5.1 There is no existing dwelling on the site.

4.5.2 The Agricultural Appraisal provided details of dwellings in the locality that have recently come onto the market. We have not carried out our own assessment in this regard.

4.5.3 As we have concluded that there is no specific and overriding functional need for a dwelling on the site we do not consider it is necessary to comment upon whether there are any other existing dwellings in the area which are suitable or available, although it should be noted that the holding is relatively close to the village of Huby which offers a range of housing types and sizes.

**4.6 Other normal planning requirements, e.g. on siting and access are satisfied.**

4.6.1 We do not comment upon these aspects as these are matters for the Local Planning Authority to consider.

**5.0 CONCLUSION**

- 5.1 It is our view that, based upon the information with which we have been provided, the agricultural enterprise does not satisfy the key tests set out in PPS7 relating to temporary dwellings, notably a core and justifiable functional need for a dwelling to be present at the holding other than for convenience.
- 5.2 The business has clearly been established for a number of years with no apparent plans by the applicant for the specific development of any new enterprise or process, other than opportunistic expansion within the locality for the existing conventional arable (cereal) cropping system.
- 5.3 Should you require any further information please do not hesitate to contact the authors of this report.

**CARTER JONAS LLP**  
**September 2011**

## 6.

11/01090/FUL

### **Construction of a 9 unit supported housing scheme and creation of a new vehicular access.**

**at Land Former Station House 4 Boroughbridge Road Northallerton North Yorkshire for Broadacres Housing Association.**

#### **1.0 PROPOSAL AND SITE DESCRIPTION**

- 1.1 Members will recall that this application was deferred at Planning Committee on 23 June 2011 to give the applicant an opportunity to find an alternative site for the supported housing scheme. Members were supportive of the proposed use but concerned about its location.
- 1.2 The applicants have met with various parties including: Network Rail, East Coast, First Group and Grand Central to investigate alternative sites and the possibility of a land swap. However, due to site specific constraints and the operational requirements of the 3<sup>rd</sup> parties, the applicant has been unable to secure an alternative site.
- 1.3 This application seeks planning permission to construct 9no one-bedroom apartments (Use Class C3) to provide supported accommodation for young people (between the ages of 16 and 25) along with seven underground car parking spaces.
- 1.4 Broadacres Housing Association currently provides this service at South Parade in the centre of Northallerton which has a number of operational constraints including the configuration and layout of the existing building.
- 1.5 A member of Broadacres will be on site to introduce new tenants into the premises and be on hand day to day to meet the requirements of the tenants insofar as personal support is concerned.
- 1.6 The proposed building is three storeys in height measuring 8m to the eaves and 10.3m to the ridge at its highest point. The building has a site frontage of approximately 30m along Boroughbridge Road and a frontage of approximately 11m adjacent to the railway station car park. Slight alterations have been made to the fenestration and the openings to the undercroft car parking although the scale, orientation and architectural detailing of the building mirrors that previously approved under application ref: 07/02394/FUL.
- 1.7 The inspiration for the elevational treatment was drawn from the original Station Masters House which has now been demolished. A number of these details have been incorporated into the main elevations. The lower ground floor has been treated with a stucco treatment to emphasis the podium to reduce the massing of the building along Boroughbridge Road.
- 1.8 Access to the site for pedestrians and vehicles is taken from Boroughbridge Road. Vehicles are provided with direct access from Boroughbridge Road directly into the underground car parking area. The building extends towards the edge of the site boundary and therefore the layout of the site is guided by the site boundary.
- 1.9 The site is located to the south of Northallerton on Boroughbridge Road close to the junction with South Parade / Racecourse Lane adjacent to the east coast main line

and Northallerton Railway Station. Boroughbridge Road is a main arterial access into Northallerton.

- 1.10 The site is increasingly elevated from road level towards the south end, with a brick retaining wall on the frontage. Railway land surrounds the site, with access to the station forecourt on the north side and car park to the west. To the south, there is an embankment to the main line railway tracks. To the north are the Station Hotel (Grade II Listed Building) and 3 storey residential flats. On the opposite side of Boroughbridge Road, the grounds of County Hall are bounded by a brick retaining wall, with hedge above and a continuous row of mature trees.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 04/01984/FUL - Change of use of existing dwelling to form 2 flats and construction of 3 flats with associated car parking as amended by plan as received by Hambleton District Council on 16 November 2004 (Granted on 29.11.2004). This development retained the former house with additional 3 storey block along the Boroughbridge Road frontage, and detached 2 storey block to the rear. Subsequent investigation found that the approved scheme was not feasible, due to discrepancies in the original survey.
- 2.2 07/02394/FUL - Construction of a block of 4 flats, 3 maisonettes and creation of a new vehicular access (Granted on 01.10.2007). This scheme included complete demolition of the original Station Maters' House, which has since been undertaken.
- 2.3 10/00715/FUL - Application to replace extant permission in order to extend the time limit for implementation of the construction of a block of 4 flats, 3 maisonettes and creation of a new vehicular access (Granted on 17.05.2010).

## **3.0 RELEVANT PLANNING POLICIES:**

- 3.1 The relevant Regional and Local Policies within the Development Plan and National Policies are as follows;

PPS1 - Delivering Sustainable Development 2005

PPS3 - Housing (Nov 2006)

PPG13 - Transport (3rd edition 2001)

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP3 - Community Assets

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP8 - Type, size and tenure of housing

Core Strategy Policy CP9A - Affordable Housing

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP18 - Prudent use of natural resources

Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity

Development Policies DP2 - Securing developer contributions

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP8 - Development Limits

Development Policies DP12 - Delivering housing on "brownfield" land

Development Policies DP13 - Achieving and maintaining the right mix of housing

Development Policies DP32 - General design

## **4.0 CONSULTATIONS**

Northallerton Town Council

- 4.1 No observations.



### NYCC Highways

- 4.2 No objections subject to conditions.

### Yorkshire Water Services

- 4.3 No objections subject to conditions.

### Environmental Health Officer

- 4.4 Comments awaited.

### Network Rail

- 4.5 With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met.
- 4.6 It should be noted that there is continued aspiration by the NYMCC for a Transport Interchange at Northallerton and consideration should be given to the effect this application may have on any future scheme.
- 4.7 As mentioned in the covering letter from the applicant discussions are ongoing between the applicant and the Network Rail Asset Protection Team with regard to the proposal at this location.
- 4.8 All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. We would ask that this drainage diversion work forms a condition in any planning permission granted.
- 4.9 All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details particularly given the proposals include basement car parking.
- 4.10 Method statements will require to be submitted to Network Rail's Asset Protection Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.
- 4.11 The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

- 4.12 All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development given that the site lies adjacent to Northallerton railway station.

Police Architectural Liaison Officer

- 4.13 Recommend that this application, at this location, for a Homeless Hostel be refused on the grounds of crime and the fear of crime.
- 4.14 Women alone, arriving or leaving the railway station late at night may well feel intimidated having to pass close by this hostel with youths loitering around the building, the station entrance, the ticket office, the car park, the platform area, persons waiting for taxis or waiting for a bus stood at the bus shelter may similarly be effected by the fear of crime.
- 4.15 Drivers may well feel reluctant leaving their vehicles parked in the adjacent car park when seeing youths congregating nearby.
- 4.16 Similarly, the railway platform which has 4 covered shelters and 23 external seats which could also be used by hostel users and visitors to this hostel. There is no restriction on anyone entering the railway station platform.
- 4.17 There are two seats in the front Railway Station car park which could be used by the residents and visitors of the hostel.
- 4.18 I do feel that this extra seating and covered will attract more youths hanging around the station than is currently the case at the South Parade Hostel.
- 4.19 The tunnel which leads immediately from the front car park, to the northbound platform and the rear car parks is very narrow. Youths congregating in this tunnel to shelter from the elements will definitely create the fear of crime by persons using it, coming into close contact and brushing past the persons loitering there.
- 4.20 The tunnel is not straight and would-be assailants can easily hide around blind corners, again attracting the fear of crime. This would be an ideal location to commit crime.
- 4.21 There is also a safety issue of intoxicated youths playing around or fighting on the platform that they may fall into the path of an oncoming train.
- 4.22 When the Government are trying to reduce the use of the private cars by encouraging the use of cycles or rail use, it would be a pity at the Planning stage not to facilitate such rail use when we are trying to promote a sustainable community. I would not wish to see the reduction of persons using the railway station solely due to crime or the fear of crime from this hostel.
- 4.23 Whilst I have every admiration and support for this project for assisting the homeless, I do feel that this proposed location is unsuitable for the use for which it is intended, for the above reasons.
- 4.24 If this application is not refused, then I would recommend this application meet with the SbD criteria and a condition be made that, if Planning is granted it should receive SbD certification.
- 4.25 Additionally, I would also require that there are electronic gates fitted to the entrance to the private underground car park. This was already agreed with the architect.

- 4.26 Any ground floor windows, or those accessible by climbing should be fitted with 6.4mm laminate glass.
- 4.27 The homeless persons will be staying at this hostel from periods of 3 months to 2 years duration. They will predominantly be aged between 16 to 25yrs of age.
- 4.28 They will be vetted via the Pathway Co-ordination and only those at medium need/risk will be housed there.
- 4.29 These young persons will be helped with day to day living, cooking, housing and education requirements to assist them integrating back into society.
- 4.30 There is intended to be a member of staff provided for them, but this person will not be staying at the accommodation overnight, and there may be days when this support staff member may not even be at this building.
- 4.31 That a condition be made whereby a staff member visit the premise every day or evening, to resolve problems encountered there.
- 4.32 I note on this application in the Design and Access Statement, (DAS), that there is a low wall running along Boroughbridge Road which the *'entrance gate will be established in line with.'*
- 4.33 It would be a pity if the first encounter of visitors driving into Northallerton, or arriving by rail, were to see a number of youths sat on a wall, with the problems that are associated with this.
- 4.34 Recommend that the perimeter low wall topping at the front be raked at such an angle that it makes it impractical to sit upon. Additionally, railings mounted into the top of the wall would limit the amount of space and would assist further.
- 4.35 Recommended that an alcohol exclusion zone be made around the proposed hostel. The details of which can be finalised later taking into account the users of the railway station and also a near public house.

#### Northallerton Rail Users Group

- 4.36 The former Station House site should be reserved for uses which are appropriate to the operation of Northallerton Railway Station and its users who have increase significantly in number in recent years, a trend that is predicted to continue.
- 4.37 The application site is vital to the development of an Interchange scheme so that buses/taxis etc can have access to the station forecourt, which also provides short term parking for users and disabled users. The problem of the current lack of use of the site can be clearly seen each and every time rail replacement bus services have to be provided. Because of the restricted nature of the current site buses cannot turn round without a three point or more turn and the ensuing chaos and hazard are there for all to see. Consultation with any of the staff at the station will no doubt confirm this observation.
- 4.38 The suggestion that land on the west side of the station could be used as the Interchange is not viable in our view for a number of reasons. Firstly the land adjacent to the existing car park is ideal for a car park extension (to solve the lack of facility already acknowledged by the train operators) and is an extension for which we have been campaigning for a number of years. It is our belief that the extension hasn't already been built largely because of lack of finance, but since the Government recognises this problem at a national level, this situation may change in the not too distant future.

- 4.39 Further, the west side would not be suitable for the Interchange since access for buses would be severely restricted by 1) the narrowness under Mill Lane bridge and 2) the difficulty of any access on to Boroughbridge Road near to the Level Crossing.
- 4.40 Access to and from the former Station House site - The Group understands that no right of access exists from this site to the station forecourt and this situation has been known since the land was sold by the railway authorities. In this particular case it demonstrably important given that the surrounding area is in constant use vital to the operation of the station.
- 4.41 The Group are entirely sympathetic to the laudable objectives of the Broadacres' project, but believe the building to be in the wrong place. Further, the proposed access on to pedestrian crossing and not far from the level crossing looks like a traffic hazard.

#### Transpennine Express

- 4.42 The possible impact on security at the railway station. We may insist on additional CCTV coverage. The consequence of the construction on railway land in terms of ground levels, falls, drainage, lighting and ground stability. The impact on the operation of the station during construction. The effect on sight lines at the junction onto Boroughbridge Road. It appears that there is some impact on our station car park and we cannot compromise on the number of vehicle and taxi bays currently on site. We will consider substitution / or remarking of the car park to accommodate any changes necessary.

#### Publicity

- 4.43 The application was advertised within local press, by site notice and directly to the neighbouring residents. The period for replies expired on 5<sup>th</sup> July 2011. Two representations have been received and are summarised as follows:-
- a) I am supportive of this proposal as it will provide much needed good quality supported accommodation for young people in the Hambleton area. It will be a key part of a young persons pathway to ensure that, if they are in a situation to require accommodation, they receive the appropriate support to make a smooth transition to independence.
  - b) The proposed use of the building is not appropriate for the site. The applicant is planning to house disadvantaged teenagers in need of help, on a site underneath the east coast mainline that will be consistently noisy and suffer from intense vibrations. This will surely create a stressful environment for people who need a calm and relaxed place to live.
  - c) How does the building design reinforce the local vernacular and support the adjacent conservation area? Is there a heritage statement to support this? I don't understand why any architect thinks that false windows are a satisfactory solution to articulate a façade – it looks like an afterthought. Please try and get the applicant to change these elevations

## **5.0 OBSERVATIONS**

- 5.1 The main issues to consider in this case are the principle of developing the site for housing having particular regard to the Allocations DPD and matters relating to design and layout, security, noise and vibration, highway considerations, car parking and developer contributions.

## Principle of Development – Allocations DPD

- 5.2 The site is shown as being within the area allocated as NC2 - Transport Interchange, Northallerton. The purpose of this allocation is to provide a public transport interchange comprising pedestrian, cycle, bus, taxi and short and long stay car parking facilities, a pick up and set down area, improved ticket and information centre and passenger facilities including refreshments and toilets.
- 5.3 Representations were made as part of the Local Development Framework process to have the Station House area removed from this allocation, as it had previously been excluded in earlier drafts of the LDF and also having due regard to the site having an extant planning permission. However, the site remained part of the allocation.
- 5.4 Notwithstanding the current policy background, an extant planning permission exists for the construction of a building of the same scale, orientation and architectural detailing as that currently proposed, albeit for two less apartments and different end-users. The latest planning permission was granted in May 2010 after the publication of the proposed submission Allocations DPD (January 2010) which included allocation NC2. Given that circumstances are materially unchanged, it would be unreasonable to refuse planning permission on policy grounds.

## Design & Layout

- 5.5 The building is a substantial block, and against the background of the railway retaining wall to the south and the three-storey residential blocks and the significant presence of the Station Hotel to the north, is considered appropriate, particularly on this main road location. The design features elements such as over-sail to the roof and brick materials appropriate to the railway connections of the site, and the wide stucco base and openings with grills to openings to parking area will break up the expanse of otherwise solid brick that would otherwise feature at pavement level.

## Security

- 5.6 The Police Architectural Liaison Officer has raised numerous concerns about the proposed use and has recommended that the application be refused on the grounds of crime and the fear of crime.
- 5.7 The majority of those concerns relate to anti-social behaviour problems emanating from the proposed hostel subsequently spilling out on the neighbouring railway station. Whilst it is not unreasonable to expect some difficulties in this respect, it is considered principally to be a management issue. Broadacres are a responsible body and have a good track record of managing problems relating to their housing stock. Officers are confident that Broadacres would adopt a similar approach towards this development and work collaboratively with other agencies, including the Police in this regard.
- 5.8 Experience suggests that anti-social behaviour problems at the existing South Parade premises are occasional rather than a constant nuisance for neighbouring residents.
- 5.9 Whilst the concerns of the Police ALO are noted, they are not considered sufficient in their own right to refuse planning permission. A “Secured by Design” condition should be imposed, as requested by the Police ALO, in order to enhance the security of the building.

## Noise & Vibration

- 5.10 With regard to amenities of occupiers, the site is very close to a main railway line, however subject to suitable ameliorative measures against noise and vibration, this

should not preclude the residential enjoyment of the property. There is provision for outdoor sitting at first floor at the rear of the site, and outlook to the front benefits from the mature landscaping on the County Hall site. The comments of the Council's Environmental Health Officer are awaited.

#### Highways Issues & Car Parking

- 5.11 The comments of the Local Highway Authority are awaited. However, they previously raised no objections to the proposed building subject to conditions. The point of access and the car parking arrangements remain unchanged from the previous planning permission (ref: 10/00715/FUL).
- 5.12 NYCC maximum parking standards require one space per one-bed unit and one visitor space per five dwellings within market towns, which equates to approximately 11 spaces. The proposed layout incorporates 7 car parking spaces, 4 less than maximum standard.
- 5.13 Given the nature of the proposed accommodation, car use is likely to be low and the designated car parking space is more likely to be used by visitors and staff. In addition, the application site is in easy reach of the town centre.

#### Affordable Housing

- 5.14 Policy CP9 relates to the provision of affordable housing and seeks the provision of 40% affordable housing on sites of more than 0.5 hectares or 15 dwellings within Northallerton. The scheme does not exceed either threshold and, as a result, there is no absolute requirement to provide affordable housing. Nonetheless, the applicant has agreed to "tie-down" the whole development as 100% affordable housing in perpetuity. This has been agreed in-lieu of the financial contribution towards off-site public open space.

#### Developer Contributions

- 5.15 As the application site does not incorporate any public open space, the developer would normally be required to enter into an s.106 agreement to pay a commuted lump sum of £10,024 in compensation for the shortfall in provision, in accordance with Policy DP2 and DP37.
- 5.16 Policy DP2 requires contributions from developers for additional highway or transport infrastructure (criterion viii). Contributions sought from this development will contribute towards addressing *'the cumulative implications of a number of developments, and thus obligations may be sought from each development as part contributions towards addressing a specific matter'* (para. 3.4.8 ii, page 9, Development Policies DPD).
- 5.17 The methodology for calculating a contribution from most new development within Northallerton, Romanby and Brompton is set out within the North Northallerton Link Road Deliverability Report (3rd October 2008 & 8th January 2009 rev1) and the subsequent Developer Contributions Document (November 2010) produced by Jacobs. A contribution of £25,128 is required to the NNLR in accordance with the prescribed methodology.
- 5.18 However, as identified above, the applicant has agreed to maintain the residential accommodation as affordable housing in perpetuity in lieu of making any financial contributions. This approach is considered to be acceptable.

#### **SUMMARY**

The proposed development is considered to be in accordance with the above policies of the Hambleton Local Development Framework. The scheme involves the use of

previously developed land within a sustainable location and is appropriate in terms of design, scale and massing to its location without detriment to local amenity.

## 6.0 RECOMMENDATION:

### **GRANTED**

The reasons for the above conditions are:-

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 numbered 043 L (0): 01 Rev.E; 02 Rev.E; 03 Rev.E; 04 Rev.E; 06; 10 Rev.E; 11 Rev.E; 12 Rev.E; 21 Rev.E; 22 Rev.E and 23 Rev.E received by Hambleton District Council on 23 May 2011 unless otherwise agreed 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. Windows shall be constructed of timber, set in reveals by a minimum of 65mm, and except for French doors shall open vertically by sliding sash, except as shall otherwise be agreed in writing by the Local Planning Authority.
5. 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.
6. 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 5 above.
7. The development hereby approved shall not be constructed except in accordance with all noise and vibration mitigation measures set out in Design and Access Statement Appendix 3 (ref D/4081/06 4 July 2006) received by Hambleton District Council 6 August 2007, and shall thereafter be retained in this form permanently.
8. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
9. The 9no apartments hereby approved shall solely be occupied as Affordable Housing for local people, as defined within "Planning Policy Statement 3: Housing".
10. No person or persons shall occupy all or any part of the Affordable Housing hereby approved unless he/she is a person who is in need or such accommodation as defined within the schedule to this condition (see

Informative Number 1) and who: a) has immediately prior to such allocation been ordinarily resident within the Northallerton Sub-Area (as defined within the Core Strategy) for a period of at least twelve months; or b) has within the last ten years prior to such allocation been ordinarily resident in the Northallerton Sub-Area for a period of at least five years; or c) has immediately prior to such allocation a mother, father, son or daughter or some other relative or carer approved in writing by the Local Planning Authority who has been ordinarily resident in the Northallerton Sub-Area for at least twelve months; or d) is immediately prior to such allocation permanently employed in the Northallerton Sub-Area.

11. At all times in allocating or managing the units of accommodation in the affordable housing the Owner shall: a) comply fully with the rules of a Housing Association and its current published housing waiting list and allocation system and in all cases in accordance with any published Homes and Communities Agency Policies and Guidance Notes or rules policies and systems which are similar to such Housing Association and Homes and Communities Agency documents; and b) charge rents which are no higher than the Benchmark rents for the area specified by the Homes and Communities Agency from time to time.

12. The residential units shall not be occupied other than by people in need of "supported accommodation" and within the age range of 16 to 25 years, unless otherwise approved in writing by the Local Planning Authority.

13. Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

14. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the drawings and details of the scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Once the procedure has been completed then the retaining wall adjacent to the highway shall be constructed in accordance with the agreed details.

15. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

16. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(ii)(c) The crossing of the highway footway shall be constructed as a dropped kerb crossing in accordance with the approved details and that part of the access road extending 4.5 metres into the site shall be constructed in accordance with Standard Detail number E6C.



(iv) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

17. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 70 metres measured along both channel lines of the major road from a point measured 2.0 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

18. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 043L(0)01 Rev E). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

19. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

20. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.
- (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

21. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until a detailed highway management method statement relating to the programme of demolition and construction works shall be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. The statement shall include arrangements for the following:

- Site excavation and removal of earthworks
- Delivery of materials and plant to the site.
- Loading / unloading of materials and plant.
- Storage of materials and plant. No materials shall be stored on the highway.

- Traffic management in connection with the above.
- Likely timescales.

The approved details shall be adhered to for the full duration of the site clearance and construction works.

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. In order that the development is undertaken in a form that is appropriate to the context of its surroundings and in accordance with the Hambleton District Local Development Framework Core Policy CP17.
5. In order to avoid the pollution of watercourses and land and preserve the natural environment in accordance with Local Development Framework Core Strategy CP16.
6. In order to avoid the pollution of watercourses and land and preserve the natural environment in accordance with Local Development Framework Core Strategy CP16.
7. In the interests of the amenities of residents, in accordance with Local Development Framework Policy CP 1 and DP1.
8. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1, CP17 and DP32.
9. To ensure that the development is carried out in full accordance with the aim and content of Policy CP9 of the Hambleton Local Development Framework.
10. To ensure that the development is carried out in full accordance with the aim and content of Policy CP9 of the Hambleton Local Development Framework.
11. To ensure that the development is carried out in full accordance with the aim and content of Policy CP9 of the Hambleton Local Development Framework.
12. In order to ensure that the needs of residents are met by the provision of parking space on site and the number of vehicle movements will not collectively with other development exceed the capacity of the highway network without contribution towards the costs of improvements to the highway network.
13. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998.

14. In the interests of highway safety.
15. In the interests of highway safety.
16. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
17. In the interests of road safety.
18. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
19. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
20. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
21. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

## INFORMATIVE

### 1. AFFORDABLE HOUSING SCHEDULE

#### Definition of Need of Accommodation

1. A person is in Need of Accommodation if he/she is a person:-
  - (a) occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions; or
  - (b) occupying housing accommodation which is temporary or occupied on insecure terms;
  - (c) with a particular need for settled accommodation on medical or welfare grounds or the parent or carer of such a person with whom that person lives and will continue to live;
  - (d) whose social or economic circumstances are such that they have difficulty in securing settled accommodation;
2. For the purposes of 1(a) to 1(d) inclusive above the following are examples of situations which may apply:-
  - (a) Insanitary, overcrowded and unsatisfactory housing conditions
    - Lacking bathroom or kitchen
    - Lacking inside WC
    - Lacking cold or hot water supplies, electricity, gas, or adequate heating
    - Lack of access to a garden for children
    - Overcrowding
    - Sharing living room, kitchen, bathroom/WC
    - Property in disrepair
    - Property unfit
    - Poor internal or external arrangements
    - Under-occupation
    - Children in flats or maisonettes above ground floor
  - (b) Temporary or insecure accommodation
    - Tied tenancies
    - Tenancies of a limited term
    - Hostel accommodation
    - Refuges for households escaping domestic violence
    - Living in homes to be demolished or modernised

Leaving institutional care  
Sharing with friends or relatives  
Facing eviction or repossession  
'Roofless'

(c) People with a particular need for settled accommodation on medical or welfare grounds (criteria may apply to any member of the household)

A mental illness or disorder

A physical or learning disability

Chronic or progressive medical conditions (eg MS, HIV/Aids)

Infirmity due to old age

The need to give or receive care

The need to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse

Ability to fend for self restricted for other reasons

Young people at risk

People with behavioural difficulties

Need for adapted housing and/or extra facilities, bedroom or bathroom

Need improved heating (on medical grounds)

Need sheltered housing (on medical grounds)

Need ground floor accommodation (on medical grounds)

Need to be near friends/relatives or medical facility on medical grounds

(d) People whose social or economic circumstances lead to difficulty in getting settled accommodation

Lack of an actual or potential wage earner

Head of household unemployed or in part-time or low paid work

Lack of capital assets

Households requiring accommodation which is unavailable at an affordable cost in the private sector (eg families requiring large housing or people requiring specially adapted accommodation)

# 7.

11/00813/FUL

**Revised application for a change of use from egg production and packaging plant to a holiday park comprising alterations to existing farm building to form offices/ restaurant, construction of a leisure facility, car parking and landscaping and the change of use of agricultural land for the siting of 100 caravans at the Former Turkey Factory, Willow Bridge Lane, Dalton for Noble Foods Ltd at Crosslands, Seamer, North Yorkshire**

## 1.0 BACKGROUND

1.1 This planning application is a resubmission of application ref: 09/02078/FUL which was refused on the 24th June 2010 for the following reasons:

1. The proposed 'holiday park' represents unsustainable development on a predominantly greenfield site in an isolated location distant from local amenities without clearly identifiable and justified exceptional circumstances in terms of Local Development Framework Policy CP4 and is therefore contrary to Planning Policy Statement 1, Planning Policy Statement 4, The Good Practice Guide on Planning for Tourism 2006 and policies CP1, CP2, CP4, CP15, DP3, DP9 and DP25 and of the Hambleton Local Development Framework.

2. The proposed site layout is considered to encourage use of the private car and fails to promote sustainable forms of transport contrary to Planning Policy Statement 1 and policies CP1, CP2, CP17, DP3 and DP32 of the Hambleton Local Development Framework.

1.2 An appeal was made against the Council's decision and was subsequently dismissed by the Planning Inspectorate (PINS) on 18 February 2011. Whilst the Inspector recognised the potential benefits of the proposed development and the support in local and national policy for well located tourism development in rural areas, she concluded that insufficient information had been provided to demonstrate that the proposed holiday park would represent a sustainable pattern of development. The Inspector had three concerns in this respect:-

1. No information was submitted relating to the overall traffic generation of the proposed scheme compared to the existing. Therefore, the Inspector was unable to rely on the TA in assessing the traffic generation impacts of the scheme and was precluded from undertaking the requisite comparison.

2. A mechanism (i.e. s106) to secure the package of benefits, namely: improvements to the access road, traffic calming measures in Seamer and the provision of a shuttle bus to Seamer and Stokesley, had not been submitted.

3. The proposed site layout would encourage car use within the development. The amenity areas are located some distance away from the chalet sites whilst each chalet would have its own car parking areas. This combination would encourage use of the car for short trips within the development.

1.3 The applicant has sought to address the Inspector's concerns by making the following changes to the proposed scheme:-

- a) The inclusion of a centrally located car park, so cars only access lodges at the start and end of a holiday (for loading and unloading purposes only).
- b) Addition of a cycle hire facility to encourage cycling within and around the site.
- c) Re-design of the site to encourage pedestrian routes.
- d) Provision of more information in terms of projected job creation.
- e) Clarification of access barrier positions (which provides confirmation that they will not obstruct a right of way to 3rd party land).
- f) Provision of a dedicated shuttle bus service.
- g) Submission of a drat s.106 agreement.

## **2.0 PROPOSAL & SITE DESCRIPTION**

- 2.1 Full planning permission is sought to demolish the existing poultry sheds and associated offices/production buildings at Carr, Crosslands, Woodend & Oakhill Farms and construct a holiday complex comprising a 100 caravans, leisure buildings, swimming pool, fitness suite with spa, restaurant, outdoor sports facilities, gardens, wildlife ponds, landscaping and associated car parking. An on-site sewage treatment plant is also proposed.
- 2.2 The existing traditional farm buildings at the Crosslands' site are to be refurbished, extended and converted into a restaurant (495 sq m) and kitchens with adjoining greenhouse, communal gardens and a fruit orchard.
- 2.3 A newly constructed building (1,600 sq m) is proposed to the south west of the existing traditional farm buildings. This substantial building would house the majority of the leisure facilities including, the spa and fitness suites and swimming pool along with the main reception area. The leisure complex is single storey, has four connecting wings in a square arrangement overlooking a central courtyard area. The external walls are of earth rammed construction with full height glass curtain walls to internal elevations and a sedum roof above. A further oval shaped building containing a café is proposed within the central open courtyard with an expansive metal clad roof being its key design feature.
- 2.4 External sports pitches are located immediately adjacent to the west facing elevation of the leisure complex and include three tennis courts and a netball/basketball court.
- 2.5 The caravans appear as timber lodges but are actually timber clad twin-unit caravans. The caravans vary from between 43 sq m and 78 sq m in size, are all single storey in height and contain either one, two or three bedrooms along with the usual living/kitchen area and bathroom. Most caravans have an external decking area with timber balustrade.
- 2.6 Extensive boundary planting and habitats enhancements are proposed, including two wildlife ponds, a woodland amenity area, picnic areas, meadow and play areas.
- 2.7 It is proposed to maintain the existing priority controlled site access junction off Holme Lane. It is envisaged that the site access road off Holme Lane will need improving as it is essentially a single lane carriageway with no formal footways to either side.
- 2.8 In terms of car parking, it is proposed to provide a main car park containing 174 spaces and separate staff (9 spaces) and visitor car parks (28 spaces).
- 2.9 The site extends to approximately 10.3ha and located approximately 2km to the south west of Seamer. The site is an existing egg production and packaging facility which has been downscaled in recent times due to the popularity of free-range eggs. The former barn egg production buildings now stand redundant whilst the general purpose agricultural buildings are used in association with the production of free range eggs.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 09/02078/FUL - Change of use from egg production and packaging plant to a holiday park comprising alterations to existing farm building to form offices/ restaurant, construction of a leisure facility, car parking and landscaping and the change of use of agricultural land for the siting of 100 caravans as amended by plans received by Hambleton District Council on 26 January 2010 (Refused on 13.0.2010).

### **4.0 RELEVANT PLANNING POLICIES**

- 4.1 The relevant Regional and Local Policies within the Development Plan and National Policies are as follows;

PPS4 – Planning for Sustainable Economic Growth 2009  
PPS7 - Sustainable Development in Rural Areas 2004  
PPG13 - Transport (3rd edition 2001).  
PPS23 - Planning and Pollution Control 2004  
PPS25 - Development and Flood Risk 2010  
Good Practice Guide on Planning for Tourism - May 2006

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP3 - Community Assets  
Core Strategy Policy CP12 - Priorities for employment development  
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  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Core Strategy Policy CP21 - Safe response to natural and other forces

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 DP17 - Retention of employment sites  
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 DP36 - Waste  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP43 - Flooding and floodplains

### **5.0 CONSULTATIONS**

#### Seamer Parish Council

- 5.1 Object to the application for the following reasons:-
- 5.2 Our overriding concern continues to be the increase in traffic through the village which has not been mitigated. It is not the case that traffic calming measures would be a satisfactory solution to the problem of increased traffic. Visitors' traffic would be in addition to the steady increase in traffic which has worsened year on year, passing through the village. In addition the use of a regular shuttle bus would we think, replace the present number goods vehicles and thus there would be no gain.

- 5.3 We cannot agree that visitors once at the site would remain there most of the time. The area is a prime site for tourists so we would expect them to leave the site to travel further a field. We also feel that Stokesley does not provide enough facilities for visitors to wish to travel there more than once and onward connections to other areas from there are somewhat limited.
- 5.4 Access to the site is limited, along a narrow country lane which is inappropriate for the extra traffic the site would generate and residents living along the route would not continue to benefit from the rural nature of the area. The area would be spoilt if the road access was greatly enhanced to cope with the traffic increase.
- 5.5 In our opinion the previous issues of both traffic and noise pollution has not been adequately addressed. It would appear impossible to prevent visitors using their vehicles should they wish to.
- 5.6 We do not see any mitigation or how traffic measures could be used to lessen the danger to walkers, cyclists and horse riders around the village especially on Holme Lane which is a designated cycle route.
- 5.7 In an unlit rural area we would be concerned about the lighting of the site, not only to local residents but to the wider area which at present is quiet and tranquil. We feel that this will harm the character of the landscape and amenity for local residents.
- 5.8 We feel that the benefit to the residents of the development will be minimal as there still appears to be no indication the facilities would be open to them or that there would be free use of the shuttle bus. There are at present few amenities in the village that would benefit from the development.
- 5.9 We are aware of a wildlife survey on the surrounding farmland which indicated a number of bird species on the amber and red list, which indicate that their habitat and nesting requirements need protection. Increase in population and traffic would possibly negate any gains that the developer has attempted to put in place.
- 5.10 The Parish Council have been given the feeling that many villagers feel somewhat aggrieved and under siege that the rural nature of the area that some have lived in for decades is under serious threat. Already a wind farm development is about to take place at one end of the village and now this development is proposed for the other side. We support the villagers' view that things are happening to this beautiful area over which they have no control thus spoiling the rural nature of the area.
- 5.11 We are unsure that this development is needed as there are similar and not fully subscribed locations close by.
- 5.12 We are concerned that when Noble Foods vacate the site the sheds will pose a serious blight on the landscape.
- 5.13 Regret the loss of employment because of the closure of the egg distribution facility and effect on local people. We note the anticipated jobs to be created, but are unsure whether they will be fully sustainable,
- 5.14 We also wonder if representations have been made to local landowners to see whether an alternative access could have been developed through to the Stokesley to Hutton Rudby road where there may be less of an impact on local people and the village of Seamer.
- 5.15 There is no detail in regard to the construction of the Leisure Park and vehicle movement.



#### Local Highway Authority

5.16 No objections subject to conditions and the following measures being secured by planning condition / legal agreement: -

- i) The provision of an 'on demand' shuttle bus service between the site and Stokesley.
- ii) To undertake 710m of edge/carriageway repairs (to be identified by the Highway Authority) on the section of unclassified road between the site and Holme Lane.
- iii) To contribute £25,000 towards a traffic calming scheme in Seamer.

#### Northumbrian Water

5.17 No objection to the proposed development.

#### Environment Agency

5.18 Providing the development layout proceeds as proposed in the flood risk assessment, i.e. all development in Flood Zone 1, we have no objections from a flood risk viewpoint subject to conditions.

#### Natural England

5.19 No comments received.

#### Yorkshire Wildlife Trust

- 5.20 Bats – as many of the buildings are being demolished, and the bat surveys were carried out nearly 2 years ago, further bat surveys should be undertaken before demolition to ensure that bats have not started using the buildings.
- 5.21 Trees and plants – We would encourage use of native trees and plants of local provenance whenever possible to give maximum benefits for wildlife.
- 5.22 Enhancement – This site has a lot of potential to improve and enhance the area's habitats and biodiversity and therefore we would like to see the recommendations for mitigation incorporated into the site plans.
- 5.23 Management Plan – A management plan for the site is important to ensure that once the development is complete the site is managed positively for wildlife.

#### SABIC

5.24 No observations other than to point out that the proposed building works would fall within the outer zone at approximately 170m of the pipeline for PAHDI.

#### Publicity

5.25 Neighbouring occupiers were consulted in writing, a site notice was erected close to the application site and an advert has appeared in the press. The period for replies expired on 06 August 2011. Five neighbouring residents have objected to the application and their comments are summarised as follows:-

- a) The plans as proposed infringe the rights of way over the existing roads
- b) The conveyance does not provide for the running of services through neighbouring property.
- c) Using roads through the chalet sites as shown in the current plans would be

- totally unsuitable for agricultural traffic.
- d) Need sight of the s.106 agreement to be able to comment properly on the application. The absence of core material prejudices the objectors.
  - e) The applicants make no reference to delivery vehicles in their application.
  - f) There are no train services nearby.
  - g) The available rural bus service is extraordinarily light.
  - h) All statistics should be treated with caution. Doubly so with computer generated statistics. It is better to rely on common sense – 174x2 greatly exceeds 300 cars per day, and the lorries would be in addition.
  - i) The additional car and lorry movements to and from the site would be contrary to local and national policy objectives aimed at achieving sustainable development and reducing car trips.
  - j) The access road from Holme Lane is hopelessly inadequate, even if passing places were to be incorporated. The road is neither consistently wide enough nor in sufficient condition (particularly following the frost damage of the 2010/2011 winter) to provide reasonable access, either for the visitors to the park or the current residents' use of the road
  - k) The access road is a registered Bridleway and PROW. It is actively used.
  - l) The references to the width of the access road make no allowance for horses or pedestrians.
  - m) There are two blind spots.
  - n) Entrances onto the access road have inadequate visibility splays and sight lines.
  - o) Proposals entail real and obvious danger to road users.
  - p) There appear to be no exceptional circumstances to justify a change from agricultural use.
  - q) The site has never been marketed. There is however significant interest from local farmers to buy it for agricultural use.
  - r) The original grant of planning permission required a reversion to agricultural use if the present farming use was to cease.
  - s) It has been suggested that there is the possibility of 10 jobs being created. There will however be 4 families resident on the site who would be displaced. They may need to look to the local authority to be re-housed.
  - t) As the site proposals would concentrate 100 units on two sites, it is respectfully submitted that a fresh flood risk assessment should be undertaken and supplied.
  - u) Despite claims to the contrary, the infrastructure of Seamer and its surrounds ensures the majority of visitors will travel to and from the site by car, as the nearest location for most facilities, Stokesley, is more than 2km away.
  - v) There are no local amenities in Seamer, only a small village hall and a public house. Most visitors will not walk or cycle to Stokesley.
  - w) The road is already subject to flooding most of the water being absorbed by the fields, concreting and placing tarmac on fields will significantly increase this risk.
  - x) I doubt the local infra structure can even support this large development, the increased demand on water supplies and electricity supplies which are already under strain. Waste management would also be a major issue.
  - y) This development is not suitable in a small rural community.
  - z) I am appalled at the lack of communication/ consultation from both the Council and the applicants.
  - aa) The extra traffic from building contractors combined with the pollution will be very damaging to wildlife.
  - bb) There will be no thought given to the impact on our lives and that of our neighbours and the disruption will be considerable.

4.32 One local resident instructed a Planning Consultant (Howson Developments) to prepare a report detailing objections to the proposed development. Howson Development's letter is attached to this Committee Report.

## **6.0 OBSERVATIONS**

6.1 As identified within para 1.2 above, the Inspector identified three main reasons for dismissing the appeal in respect of the original application ref: 09/02078/FUL. This

revised application seeks to address the Inspector's concerns, each reason for refusal is examined in turn below:-

- 6.2 **Reason One: No information was submitted relating to the overall traffic generation of the proposed scheme compared to the existing. Therefore, the Inspector was unable to rely on the TA in assessing the traffic generation impacts of the scheme and was precluded from undertaking the requisite comparison.**
- 6.3 A revised Transport Assessment has been submitted with the application. Section 4 of this document examines traffic impact. The existing egg-packing business currently generates 30 two-way heavy goods vehicle movements per day and 48 two-way movements per day for staff and farm workers. Whilst the proposed 100 unit holiday village is likely to generate approximately 8 two-way trips during the weekday AM peak hour and 21 two-way trips during the weekday PM peak hour. Consequently, there will be an increase of 2 two-way trips in the weekday AM peak hour and an increase of 15 two-way trips in the weekday PM peak hour.
- 6.4 It should also be noted that the proposed development scheme will generate significantly fewer heavy goods vehicle movements along the site access road, Holme Lane and the surrounding highway network.
- 6.5 The existing site access off Holme Lane can adequately cater for the existing site development traffic in terms of both capacity and vehicular queues. The additional development trips will have a negligible impact on the operation of this junction and will continue to operate substantially within capacity.
- 6.6 Given the existing physical nature of the existing access road which connects the site to Holme Lane it is proposed to provide vehicular passing bays every 50 metres or so to allow passing vehicles on the access road. This highway improvement will significantly improve the highway safety along the access road.
- 6.7 **Reason Two: A mechanism (i.e. s106) to secure the package of benefits, namely: improvements to the access road, traffic calming measures in Seamer and the provision of a shuttle bus to Seamer and Stokesley, had not been submitted.**
- 6.8 A revised Framework Travel Plan has been submitted which deals with various aspects raised by the Inspector in the context of the previous appeal (most notably the provision of a shuttle-bus service), but also goes further in providing a range of measures to encourage and secure reductions in the number and length of journeys by the private car. These measures include:-
- i) Appointment of a Travel Plan Co-ordinator & creation of Travel Plan Group
  - ii) Setting up Shuttle Bus service.
  - iii) Travel awareness.
  - iv) Baseline Data.
  - v) Travel information.
  - vi) Personal Journey Plans.
  - vii) Car Sharing Group.
  - viii) Cycle User Group.
  - ix) New Staff "Welcome Pack".
- 6.9 The Travel Plan will include a shuttle bus service which will provide a link to the nearby towns and villages for staff and visitors alike.
- 6.10 It is likely that the majority of the staff at the new holiday village will be based locally and as such are likely to reside in local area such as the town of Stokesley and the villages of Seamer, Great Broughton and Hutton Rudby. The proposed

shuttle bus service will provide a circular route to cover these locations and any others if required once the staff pool has been employed and their residential locations have been established.

- 6.11 This shuttle bus service can also provide a connection from the site to the nearby public transport interchanges, or any other destination by prior arrangement, such as Little Ayton and Yarm local railway stations and potentially Stockton on Tees and Middlesbrough mainline stations and other transport interchanges.
- 6.12 The Travel Plan will be delivered either via planning condition or a s.106 agreement.
- 6.13 **Reason Three: The proposed site layout would encourage car use within the development. The amenity areas are located some distance away from the chalet sites whilst each chalet would have its own car parking areas. This combination would encourage use of the car for short trips within the development.**
- 6.14 A number of changes have been made to the proposed site layout in an effort to reduce the propensity for the car to be used for journeys between the various elements of the site.
- 6.15 It is proposed to provide a centralised area for car parking totalling 174 spaces which will cater for visitors. Visitors will only be allowed to access the lodges at the start and end of a holiday for loading/unloading purposes. This will limit the amount of vehicle movements within site and will reduce the reliance on use of cars throughout the holiday.
- 6.16 Furthermore, additional cycle stands for staff and visitors is to be provided at each of the four development zones across the site. These stands will provide secure parking for a further 28no bicycles located at each development zone. This would help encourage cycling as an alternative form of transport to access the site.
- 6.17 The Local Highway Authority has undertaken a review of the review Transport Assessment and Framework Travel Plan have been reviewed. It is acknowledged there may be a slight increase in traffic due to the development during peak times. The character of the road and nature of the development will however change. The existing HGV movements will cease and non car trips will be encouraged. It is considered that this will be beneficial to the area and the adjacent network. In addition, the condition of the road leading to the site will be improved and the proposed shuttle bus and cycling facilities will further promote sustainable travel in the area. Therefore, the LHA are satisfied that the proposed development will not cause an adverse impact to the highway network.
- 6.18 In light of the above considerations, this revised application is considered to have overcome the concerns of the Planning Inspector and is therefore recommended for approval. Nonetheless, for completeness, all other material considerations are discussed below with reference to relevant policies and guidance.

### **Principle of Development - Sustainability**

- 6.19 Policy CP4 of the Hambleton Local Development Framework establishes a general presumption against development in locations outside of the development limits of sustainable settlements, although CP4 also recognises that there must be exceptions to this principle, for example where there is an essential requirement to locate in the countryside. Essentially the purpose of CP4 is to exercise strong restraint on development in locations outside the sustainable settlement hierarchy (second paragraph of CP4). Restraint is applied through three tests, all of which must be met to justify development.

- 6.20 Test One: “Exceptional Case” in terms of CP1 and CP2. Making an “exceptional case” does not mean showing how a proposal meets the criteria and provision of CP1 and CP2. The Plan states that the benefits sought by CP1 and CP2 are more likely to be achieved by locating development within the sustainable settlement hierarchy (para 4.1.9). The assumption is that development in locations outside the sustainable settlement hierarchy would likely be contrary to CP1 and CP2. “Exceptional Case” therefore means providing evidence as to why a proposal that does not comply with the intentions of CP1 and CP2 should be permitted.
- 6.21 CP1 is a very general policy providing fundamental criteria to be applied as a starting point to all developments aimed at ensuring all development is sustainable and located to help promote sustainable communities. The “exceptional case” in terms of CP1 is, therefore, about providing evidence as to why development should be located in a less sustainable location. Consequently, the aim should be to assess how serious a breach of CP1 a proposal is, which should be weighed against the “exceptional case”.
- 6.22 CP2 is another broad policy which sets down the LDF’s intention toward transport and accessibility. It aims to ensure that all development is located so as to minimise the need for travel, particularly by private car. The “exceptional case” in terms of CP2 is, therefore, about providing evidence as to why a proposal which would be contrary to the intentions of CP2 (i.e. a proposal which would increase the need for travel) should be permitted. Again, the aim should be to assess how serious a breach of CP2 a proposal is, which should be weighed against the “exceptional case”.
- 6.23 In applying Test One; the proposed development is considered to represent a slight breach of CP1. From a negative viewpoint, the site is technically a greenfield site in an isolated location and redevelopment for tourism would result in the loss of an existing employment site.
- 6.24 However, as explained in ‘Test Three’ below, the proposed development is unlikely to cause significant harm to ecology during construction whilst habitat enhancement proposal are likely to result in biodiversity gain, for example via the creation of green corridors. In addition, the ‘Visual Impact Assessment’ submitted with the application concludes the visual impact will be very minimal due to the undulating landscape. Whilst significant visual improvements will be secured via demolition of the existing barns and hoppers.
- 6.25 Loss of existing employment will be justified in a number of ways. The factory itself is a source of employment regionally, rather than locally, as only a small number of employees come from the village of Seamer. Therefore the impact of the closure of the factory on the village, in terms of loss of employment, is negligible. The proposal to convert existing buildings into restaurant and construct a leisure centre on the site will create a new source of employment for the District. The proposal to convert existing buildings into restaurant and construct a leisure centre on the site will create a new source of employment for the District. Derived economic benefits to existing local businesses and highway improvements will also be realised.
- 6.26 Moreover, the Council should be mindful of the Ministerial Statement on Planning for Growth issued on 23 March 2011 which requires the planning system to contribute positively and swiftly towards sustainable economic development. The proposed development will undoubtedly help towards promoting economic development in this respect.
- 6.27 The proposed development is considered to represent a slight breach of CP2. The site is located approximately 2km from the edge of Seamer, which is classed as a sustainable settlement for the purposes of CP4. Seamer contains a limited range of local amenities and it is possible to walk or cycle into Seamer during favourable

weather conditions. However, most visitors will be drawn to Stokesley, Great Ayton and other popular attractions which will undoubtedly encourage use of the private car. Nonetheless, the applicant has agreed to a package of measures in order to minimise this impact, including: the provision of an hourly shuttle bus service between the site and Stokesley; 710m of edge/carrageway repairs on the section of unclassified road between the site and Holme Lane and a contribution of £25,000 towards a traffic calming scheme in Seamer.

- 6.28 In light of the above considerations, it is considered that the proposed holiday park satisfies Test One.
- 6.29 Test Two: is more straightforward, it means being able to meet at least one of the criteria i) to vi) in CP4 and provide the evidence to prove this.
- 6.30 The proposed development is considered to comply with four out of the six criteria, namely:
- i) "it is necessary to meet the needs of...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."
  - ii) "it is necessary to secure a significant improvement to the environment..."
  - iv) "it would re-use existing buildings without substantial alteration or reconstruction..."
  - vi) "it would support the social and economic regeneration of rural areas."
- 6.31 Paragraph EC7.1 of Planning Policy Statement 4: Planning for Sustainable Economic Growth advises local planning authorities to support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, rather than harm, the character of the countryside, its towns, villages, buildings and other features.
- 6.32 PPS4 also advises Local Planning Authorities to 'wherever possible, locate tourist and visitor facilities in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside should, where possible, be provided in, or close to, service centres or villages but may be justified in other locations where the required facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available for re-use.'
- 6.33 The proposed holiday park is of substantial size and its inclusion within or adjacent to the development limits would be likely to cause conflict with established land-uses. Furthermore, experience suggests that visitors demand a 'countryside location' for the tourism model proposal. In certain circumstances, a site closer to a sustainable settlement is likely to compromise viability.
- 6.34 Various elements of the site contain significant ranges of utilitarian commercial 'factory farming' buildings. The proposals represent a positive opportunity to secure significant visual, landscape and environmental benefits via removal of poor quality and visually obtrusive buildings.
- 6.35 The proposed development incorporates the conversion a range of existing brick-farm buildings. This approach is advocated by both PPS4 and CP4, as outlined above. It is considered good sustainable practice to refurbish existing building stock.
- 6.36 This approach to re-use existing buildings is also supported by Policy CP15 which sets out a strategic approach to rural regeneration and encourages a range of development and activities, including: re-use or replacement of suitable rural buildings for employment generating uses and appropriate tourism related initiatives.

- 6.37 As highlighted within paragraph 6.25 of the report, it is envisaged that the proposed development will create a new source of employment for the District and have derived economic benefits for existing local businesses.
- 6.38 In light of the above considerations, Test Two is satisfied.
- 6.39 Test Three: requires proposals not to conflict with the environmental protection and nature conservation policies of the LDF (final para of CP4).
- 6.40 Policy DP31 of the Hambleton LDF states that “Permission will not be granted for development which will cause significant harm to sites and habitats of nature conservation, geological or geomorphological value, together with species that are protected or under threat.”
- 6.41 This stance is supported by paragraph 16 of PPS9: Biodiversity and Geological Conservation, which states that “Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”
- 6.42 The submitted ‘Desktop Ecological Study’ concludes that there are no records of specifically protected species occurring on the site. However, there may be transitory use of fields and gardens around the site by Slow Worm and Bat species. Nesting by birds in hedges on the edge of the site and inside some of the wooden sheds may also occur.
- 6.43 On the basis of the initial Desktop Ecological Study the site currently has a low ecological significance. The demolition work is likely to have a low ecological impact. The construction of new lakes and landscaping of the site is likely to vastly enhance the structural and vegetative diversity of the site. By incorporating facilities for protected and notable species in to the scheme at the design stage there is considerable potential for significant enhancement at the site.
- 6.44 Both Natural England and the Yorkshire Wildlife Trust have been consulted on the application and both organisations are satisfied with findings of the submitted ‘Desktop Ecological Surveys’ subject to certain mitigation and habitat enhancement works.
- 6.45 Mitigation proposals are detailed within Section 7.0 of the Ecological Survey v. GEN/09/93 Rev.1 produced by Envirotech. It is recommended that delivery of these mitigation measures is secured via condition. Further Bat Survey work has been recommended by the Yorkshire Wildlife Trust and can be secured via condition.
- 6.46 In light of the above considerations, Test Three is satisfied.

### **Design**

- 6.47 Policy DP32 requires the design of all developments to be of the highest quality. Attention to the design quality of all development is essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings and promote local identity and distinctiveness.
- 6.48 The design concept of the proposed development is generally acceptable and represents a relatively good standard in terms of external appearance, commensurate with the image the Council would wish to support for new tourism uses within the District. The use of modern construction techniques within the permanent leisure / amenity buildings, such as: earth rammed construction with full height glass curtain walls to internal elevations and a sedum roof above ensures a modern appearance and helps to reduce the development’s overall massing.

- 6.49 The siting and design of the buildings have been selected in order to appropriately accommodate the building in the context of the site's characteristics. An adequate landscape buffer has been retained between the proposed buildings and the surrounding agricultural land. Sufficient space exists on site for the provision of staff and visitor car parking, cycle parking and servicing.

### **Sustainable Construction**

- 6.50 Policy DP34 requires all developments above 1000 sq m or 10 units or more to show that they have addressed sustainable energy issues, by reference to accredited assessment schemes and in the case of commercial developments must undertake an energy assessment and consider the feasibility of incorporating CHP schemes. Additionally there is a requirement that at least 10% of their energy requirements are from onsite renewable energy generation or otherwise demonstrate similar energy savings through design measures.
- 6.51 The applicant believes that a more effective way to conserve energy is to prevent the need for energy consumption in the first place. The applicant considers that the Merton Rule (the basis for Policy DP34) recommends micro-generation, whilst not addressing the problem of conserving energy in the first place. Therefore, the applicant intends to over insulate the permanent site buildings (café, restaurant and leisure) in excess of 25% extra than the U-Values required in the current Building Regulations.
- 6.52 The applicant doesn't consider wind and solar power to be economically efficient due to the site location. The applicant has commented that a Ground Source Heat Pump still relies on a substantial base load of electricity, and is not as 'green' as people think. However, a Biomass (Wood Pellet) Heating System would be suitable and could easily be incorporated into the scheme.
- 6.53 It is recommended that a suitably worded condition be applied in order to secure a detailed scheme for 10% energy efficiency savings.

### **Flood Risk**

- 6.54 Part of the application site lies within Flood Zone 2 defined by Planning Policy Statement 25 as having a medium probability of flooding. Paragraph D5 of PPS25 requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'.
- 6.55 All of the proposed chalets are now located within Flood Zone 1. As a consequence, the Environment Agency has raised no objections subject to standard conditions.

### **Highway Safety & Accessibility**

- 6.56 The access road from Holme Lane to the site varies in width and it is adopted from Holme Lane to the site boundary. There are already passing places in situ along the access to the site. A good proportion of the access road already serves two way traffic having a width of at least 4.8 metres wide.
- 6.57 There are however a couple of places within the access that are not wide enough for two way traffic and do not have passing places at locations where vehicles can stop at either end of the narrow section and comfortably see each other. These occur in the initial section of the access road close to Seamer Moor Cottages and just to the north of Cherry Tree Bungalow around two thirds of the way up the access road.
- 6.58 In order to resolve this situation, the Local Highway Authority has recommended that 710m of edge/carrageway repairs are undertaken on the section of unclassified road



between the site and Holme Lane. These highway improvements will be secured via planning condition.

- 6.59 It is considered that the local road network is capable of accommodating the traffic likely to be generated by the proposal. Movement to and from the site is likely to be car dominated, however the 'Good Practice Guide on Planning for Tourism' states that 'there will be some occasions where it will be difficult to meet the objective of access by sustainable modes of transport. The choice of location may have been determined by functional need.
- 6.60 Developers and planners may find that in such cases there will be limited opportunities to make the development accessible by sustainable modes of transport or to reduce the number or proportion of visits made by car. For small schemes, the traffic generated is likely to be fairly limited and additional traffic movements are therefore unlikely to be a reason for refusal for otherwise suitable tourism developments'. The proposed holiday park is therefore considered to be acceptable in this respect.

### **Residential Amenity**

- 6.61 The existing bungalows located within and adjacent to the application site are owned by the applicant. Whilst the bungalows are under the control of the applicant, they are presently occupied on a long term lease. It is not proposed to include the bungalows within the scheme.
- 6.62 Therefore, the nearest independent residential dwellings are located approximately 300m away at Seamer Moor Farm and 320m away at Seamer Moor Cottages. These are relatively near and a detailed objection has been received from the owner/occupier of Seamer Moor Farm.
- 6.63 In determining the likely impact upon residential amenity, it is important to have regard to the fall-back position. The site currently operates as an egg packing plant & associated poultry buildings and currently generates approximately 30 two-way heavy goods vehicle movements per day and 48 two-way staff/farm workers per day. This level of activity represents significant levels of disturbance to neighbouring residents in terms of traffic movement, noise and smell. Whilst the proposed holiday park will generate slightly higher levels of traffic and pedestrian movement in the locality, all other impacts will be significantly less.
- 6.64 Clearly the proposed leisure use is preferable in terms of its impact on residential amenity and, as a consequence, refusal of the application cannot be substantiated on this ground.

### **Drainage**

- 6.65 The issues of drainage at the site can be adequately addressed by conditions. Such conditions will require a scheme for the conveyance of foul drainage to a package treatment plant to be submitted to and approved in writing by the Local Planning Authority.

### **Conclusion**

- 6.66 In light of the above considerations, the proposed holiday park is recommended for approval.

### **FOR MONITORING PURPOSES:**

CP2 – travel plan submitted with the application

CP12 – jobs will be created. However, need to discount number of jobs lost from number of jobs created. Further research required after application process.

CP15 – rural regeneration scheme.

CP16 – habitat enhancement scheme to be secured via condition.

CP18 – 10% energy efficiency savings to be secured via condition.

## **7.0 SUMMARY**

7.1 Subject to the signing of a s.106 agreement to secure those matters outlined above, the scale and design of the proposed development is considered to satisfactorily relate its surroundings with limited impact on the character and appearance of the countryside. The proposed holiday park will result in a sustainable development with limited effects on ecology, neighbouring occupiers or highway safety. Consequently, the application is considered to comply with the above policies.

## **8.0 RECOMMENDATION:**

**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 numbered 1482-001 Rev.A; 010 Rev.F; 012 Rev.A; 013 Rev.A; 014 Rev.B; 020 Rev.A and 021 received by Hambleton District Council on 19 April 2011 and 3 June 2011 unless otherwise agreed in writing by the Local Planning Authority.
3. The development must comply with the following requirements:
  - (i) the caravans are occupied for the holiday purposes only;
  - (ii) the caravans 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 individual caravans on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.
4. Prior to first use of the holiday caravans, the associated amenity and leisure buildings as shown on drawing refs: 1482-013 Rev.A and 1482-14 Rev.B shall be constructed, fully functioning and available for use by visitors to the holiday park hereby approved.
5. The associated amenity and leisure buildings as shown on drawing refs: 1482-013 Rev.A and 1482-14 Rev.B shall only be used by occupiers of the holiday caravans hereby approved.
6. 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.
7. 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.

8. Notwithstanding details hereby approved, no development shall begin until a detailed habitat management and enhancement plan, complete with a programme of implementation, has been drafted and submitted to and approved in writing by the Local Planning Authority. The approved Habitat management and enhancement shall make provision for additional Bat Survey work and identify appropriate protection and mitigation works. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

9. 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. 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 approved details.

10. Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design-build which meet 10 percent of the buildings energy demand shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.

11. No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority.

12. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

13. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

14. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works until details of the required highway improvement works, including repairs to 710m of the existing surface of the unclassified road between the application site and Holme Lane have been submitted to and approved in writing by the Local Planning Authority

15. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be brought into use until the highway improvement works

required by Condition 14 have been constructed in accordance with the approved details.

16. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing Reference 1482-010 Rev.H. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

17. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning agrees in writing to their withdrawal.

18. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan shall include:

- i) Appointment of a Travel Plan Co-ordinator & creation of Travel Plan Group
- ii) Establishment of a shuttle bus service.
- iii) Travel awareness.
- iv) Baseline Data.
- v) Travel information.
- vi) Personal Journey Plans.
- vii) Car Sharing Group.
- viii) Cycle User Group.
- ix) New Staff "Welcome Pack".

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

19. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

20. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

**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 CP1, CP16, DP30 and DP32.
3. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton District Wide Local Plan.
4. The amenity and leisure buildings enhance the site's overall 'sustainability' which helps justify an exceptional case in terms of Policy CP4 of the Hambleton Local Development Framework.
5. The amenity and leisure buildings enhance the site's overall 'sustainability' which helps justify an exceptional case in terms of Policy CP4 of the Hambleton Local Development Framework.
6. 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.
7. 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 CP16.
8. To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework and guidance contained within ODPM Circular 06/2005.
9. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21
10. In order to minimise energy demand, improve energy efficiency and promote energy generated from renewable resources in accordance with policy DP34 of the Hambleton Local Development Framework.
11. In the interests of the visual amenity of the locality in accordance with Policy DP30 and DP32.
12. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.
13. In accordance with policies CP1, CP2 and DP4 and in the interests of highway safety.
14. In accordance with policies CP1, CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
15. In accordance with policies CP1, CP2 and DP4 and in the interests of the safety and convenience of highway users.

16. In accordance with policies CP1, CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
17. In accordance with policies CP1, CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
18. In accordance with Policy CP4 and to establish measures to encourage more sustainable non-car modes of transport.
19. In accordance with policies CP1, CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
20. In accordance with policies CP1, CP2 and DP4 and in the interests of highway safety and the general amenity of the area.



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## Appeal Decision

Site visit made on 1 February 2011

**by Susan Heywood BSc(Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 February 2011**

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**Appeal Ref: APP/G2713/A/10/2136235**

**Noble Foods, Packing Station, Holme Lane, Seamer, Middlesbrough  
TS9 5LJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Noble Foods Ltd against the decision of Hambleton District Council.
  - The application Ref 09/02078/FUL, dated 22 July 2009, was refused by notice dated 24 June 2010.
  - The development proposed is the redevelopment of Crossland, Oakhill, Carr and Woodend poultry farms to leisure holiday chalets, new on-site leisure facility and restaurant facilities. All existing poultry buildings to be demolished at Crossland, Oakhill, Carr and Woodend. Proposed change of use of existing farm brick clad buildings to be refurbished into restaurant, farm shop, stores and offices at Crossland site.
- 

### Decision

1. I dismiss the appeal.

### Main Issue

2. The main issue in this appeal is whether the development would conflict with local and national policies which promote a sustainable pattern of development.

### Reasons

3. The existing poultry operations at the appeal site are dispersed on five separate sites. The development proposes the erection of a total of 100 timber clad holiday chalets, together with ancillary leisure facilities (some of which are contained in existing buildings) on two of the sites, the creation of amenity spaces on two other sites and an on-site sewage treatment plant on the remaining site.
  4. The Council have recognised the visual benefits of the removal of the existing industrial style buildings and the benefit of the habitat enhancement proposals. I agree that these would be significant benefits of the scheme. I also recognise the benefits to the tourist industry and the likely spin-offs to the local economy due to an increased number of visitors to the area. The appellants also refer to the job creation benefits of the proposed development, although this is not quantified or compared to the job losses due to the closure of the existing operations.
-

5. In these respects I consider that the development would be in accordance with the aims of Hambleton District Council Core Strategy (CS) policy CP15 and Development Policies (DP) policy DP25, to encourage economic development in rural areas. Current Government advice contained in Planning Policy Statement (PPS) 7: *Sustainable Development in Rural Areas*, PPS4: *Planning for Sustainable Economic Growth* and *The Good Practice Guide on Planning for Tourism* also acknowledge the benefits of well located tourism development.
6. On the other hand, there is no dispute that the site lies within the countryside outside of any settlement boundary. A number of development plan policies have been drawn to my attention which seek, amongst other things, to regulate the location of development and to encourage sustainable travel. These include CS policies CP1, CP2 and CP4 and DP policies DP3, DP9 and DP32. These also reflect advice in PPS7, PPS4 and *The Good Practice Guide on Planning for Tourism* aimed at encouraging sustainable development principles.
7. I accept that the site is within walking distance of the nearest settlement of Seamer and within a longer, but achievable, cycle distance to the larger settlement of Stokesley. Furthermore, I acknowledge that the on-site restaurant and leisure facilities would encourage visitors to use those facilities from time to time, rather than travelling into the nearby settlements. But despite the existence of these facilities, a significant number of the visitors to the development are likely to wish to travel further afield to access facilities and visitor attractions. Indeed, the appellants accept that visitors to the development would be reliant on the use of the private car as their main mode of transport. This differs from the appeal reference: APP/G2713/A/08/2065210 where the Inspector concluded that the site would be accessible by alternative means of transport. There is no suggestion in this case that the site is accessible by public transport and it is likely that the development would result in a significant number of vehicle movements to and from the site. This would be contrary to local and national policy objectives aimed at achieving sustainable development and reducing the number of car based trips.
8. I acknowledge that these traffic movements to and from the proposed development would need to be balanced against the movements associated with the existing operations at the site. The Transport Assessment (TA) (May 2009) is annotated as being in draft; it is incomplete as it does not contain the appendices; and it relates to the development prior to it being amended to reduce the number of chalets proposed on the site. I note that the Highway Authority advised, on the basis of the reduction in the number of units to 100, that the number of peak hour trips would be no greater than for the existing operations. However, I have no information relating to the overall traffic generation of the proposed scheme compared to the existing. Due to the above discrepancies, I am unable to rely on the TA in assessing the traffic generation impacts of this scheme and I am precluded from undertaking the requisite balance.
9. In addition, the appellants refer to a package of measures to which they appear to have agreed, aimed at minimising the traffic impact of the development. These include improvements to the access road, traffic calming measures in Seamer and the provision of an hourly shuttle bus to Seamer and Stokesley. Dealing with each of these in turn, I agree that improvements to the access road would be necessary and these may be achievable through the imposition of an appropriately worded condition if I were minded to allow the appeal. I have no information in relation to the need for traffic calming measures and as



such, I cannot comment on whether such a contribution would meet the advice in ODPM Circular 05/2005 or the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. But, I agree with the appellants that an hourly shuttle bus service to the nearest settlements would be likely to significantly reduce the number of traffic movements to and from the site.

10. However, in order to be effective, the provision of a shuttle bus (and traffic calming measures if deemed to meet the Circular advice and CIL Regulations) would need to be secured through the completion of a S106 agreement. No such agreement is put forward in this appeal. As such there is no mechanism before me to secure any of these intended benefits. Apart from the improvements to the access road therefore (which would only serve to mitigate the potential harm caused by the proposed development) I cannot give these matters any weight in this appeal.
11. As a secondary concern, the Council consider that the proposed site layout would encourage car use within the development. I agree with the Council on this matter; the ancillary facilities are all located within one part of the 'Crosslands' site and would therefore be some distance away for visitors staying in a chalet on the 'Carr' site. In addition, the 'Oakhill' and 'Woodend' amenity areas are some distance away from either of the chalet sites. Each of the chalets would have car parking areas adjacent to the chalet and I consider that this combination of easy access to the car and distance to facilities would encourage use of the car for short trips within the development.
12. In conclusion, I recognise the potential benefits of the proposed development and the support in local and national policy for well located tourism development in rural areas. Nevertheless, in the absence of further information in relation to comparative traffic movements and a mechanism to secure the package of benefits referred to by the appellants, I am not satisfied that it has been adequately demonstrated that the development would be acceptable having regard to local and national policies which promote a sustainable pattern of development.
13. I have taken into account the additional concerns raised by the community which include the size of the development, noise impact, light pollution and impact on living conditions. Overall, there is nothing of sufficient weight to change the conclusion reached on the main issue.
14. For the reasons given above I conclude that the appeal should be dismissed.

*Susan Heywood*

INSPECTOR

Our Ref: 11.020.003

8 August 2011

Hambleton District Council  
Stone Cross  
Northallerton  
North Yorkshire  
DL6 2UU

For the attention of Jonathan Saddington

Dear Jonathan

|                    |     |            |
|--------------------|-----|------------|
| HAMBLETON D.C.     |     |            |
| REC'D - 9 AUG 2011 |     |            |
| PES                | RES | CX         |
|                    |     | ACK 9/8/11 |

  
howson developments ltd  
planning & architecture

Thorntree Farm  
Bassleton Lane  
Thornaby  
Stockton-on-Tees  
TS17 0AQ

Tel: 01642 768281  
Fax: 01642 762573

**LAND AT CROSSLANDS, HOLME LANE, SEAMER (REF. 11/00813/FUL)**

I refer to the above planning application by Noble Foods and write to formally object to the proposed development on behalf of my client, Phil O'Brien of Moor Farm, Holme Lane.

I am responding, in particular, to your letter of the 27<sup>th</sup> July 2011 advising of the receipt of 'amended details or further information'. Your letter requires any responses to be given to the Council by the 6<sup>th</sup> August. My client is extremely disappointed that this only allows 10 days (or 5 working days from receipt of the letter) to provide a response which is totally insufficient given the level and detail of additional information which has been submitted.

You will be aware that my client has already made comments on this application, through his legal representatives, Bryan and Co Solicitors, to the effect that the application is lacking in detail with key documents omitted from the application submission. I would reiterate these comments and request your views as to why the application does not include either a draft section 106 (s.106) agreement or at least a Heads of Terms for the discussion of this legal document.

In light of the comments made in the inspectors decision notice, regarding the need for a s.106 to secure the proposed benefits of the scheme, I find it surprising that the Council have agreed to register the planning application without a legal agreement. Clearly this document is of significant importance to the application proposals, and we therefore request a further consultation period is given upon receipt of a s.106 agreement. This period of consultation should provide sufficient time for the content of this document to be properly considered and a response to be prepared by third parties.

In consideration of the inspector's decision notice, it appears to me that there are fundamental issues to be overcome in relation to the sustainability of the development, notwithstanding changes to the layout of the proposals and the supporting documents. In particular, I would like to highlight three fundamental issues which go to the principle of the proposed development, bearing in mind the location of the site:

- the development would not be closely related to existing services and would be an isolated form of development leading to high car dependence;
- the proposed shuttle bus service and travel plan would be of limited value in helping to reduce private car movements;



RTPI

mediation of space - making of place



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Howson Developments Ltd, Thorntree Farm, Bassleton Lane, Thornaby, Stockton on Tees. TS17 0AQ

- in the absence of a robust business case and without any degree of certainty that the proposals will be successful, the proposed development represents inappropriate development in the countryside;

I will discuss each of the above 3 issues in turn below.

### **1. Proximity to Neighbouring Services**

#### *Planning Policy Context*

At a national level, the guidance within PPS1, PPS7, PPS4, provide further confirmation, if it were needed, that sustainability is a key objective in consideration of all new development proposals. This was highlighted in paragraph 2 of the inspectors decision notice which states:

*'The main issue in this appeal is whether the development would conflict with local and national policies which promote a sustainable pattern of development.'*

PPS7: *Sustainable Development in Rural Areas* and PPS4: *Planning for Sustainable Economic Growth* in particular, recognise the importance of location in planning for new tourism development. This issue is given further importance in the *Good Practice Guide on Planning for Tourism*, which provides further specific advice on various aspects of tourism development including, at Annex A, the provision of new visitor accommodation.

The overriding principle from the raft of national guidance is that whilst the benefits of tourism development scheme should be recognised, this does not outweigh other important planning considerations, particularly that of sustainability, which is one of the governments key policy objectives. Paragraph 22 of Annex A of the guidance recognises that new accommodation will be more sustainable when located close to existing settlements and other services

*'New sites that are close to existing settlements and other services will generally be more sustainable as some local services may be accessed by means other than by car.'*

In regards to the development plan, Core Strategy policies CP1, CP2, CP4 and Development Policies DP3, DP9 and DP32 closely reflect the advice in PPS7 and PPS4 and recognise the importance of meeting sustainable development objectives in new development.

From an analysis of relevant national and local planning policy, it is therefore evident that proposals for new tourism facilities, will be better located within, or adjacent to existing service centres which offer a range of services. Whilst the guidance does not discount the provision of tourism development outside of these locations, there is an overriding principle that all new proposals should be sustainably located so as to reduce the need to travel.

#### *Site Context*

The application site relates to land outside of a built up area and not on the edge or adjacent to an existing settlement. The site is approximately 2.2km from the urban edge of Stokesley and 1.5km to edge of development in Seamer.

In the applicants Transport Statement, amended 31 May 211, it has been submitted that the site is within walking distance of Seamer with reference to a 2km catchment. Whilst this point has been accepted by the inspector in determining the recent appeal, it has failed to be recognised in the



applicant's statements that Seamer offers only a small public house and is therefore extremely limited in regards to the range of services available. The site is therefore not within walking distance of a sufficient range of services that would otherwise substitute short car journeys, under 2km, as mentioned in PPG13.

Stokesley is the nearest settlement which offers a range of shops, services and public transport links that would potentially be of benefit to tourists staying at the proposed chalet park and reduce the need to use private transport. The High Street in Stokesley is significantly more than 2km walking distance from the site although, as indicated by the applicant's transport statement, is just inside a 5km cycling catchment of the site.

Although it is reasonable to assume that a small proportion of visitors may, on occasion, cycle to Stokesley to utilise local services, it is unlikely that this would be the case for the larger proportion of visitors. The vast majority of visitors would arrive at the chalet park in their own private cars and would have the convenience of this transport for the duration of their stay. Whilst the proposed accommodation would be supported with some on-site facilities, these are limited in range compared to a larger holiday park, such as Center Parcs for instance, and are unlikely to be able to sustain a visitor's enjoyment of the on-site facilities for any length of time.

Notwithstanding the on-site facilities proposed, or the possibility that a small number of visitors might utilise local services by cycle, the majority of visitors to the development are likely to look to travel much further afield to access facilities and visitor attractions in a much wider catchment area. Due to the lack of direct accessibility to public transport services, particularly by walking, it is therefore likely that the proposed development will lead to a significant number of individual transport movements as visitors move between the site and the various services and attractions within a much wider catchment area.

The scale of the application proposals, which include 100 chalets, clearly represent a sizeable operation particularly in relation to other recent tourism developments in the area. Whilst the guidance within the Good Practice Guide does recognise that small-scale tourism developments, generating a limited amount of additional traffic movements, may be acceptable in less sustainable areas, this cannot be said of the application proposals which would inevitably generate a substantial amount of vehicular traffic as visitors travel to and from the site to access local shops, services and attractions.

#### *Comparison with Existing Movements*

Paragraph 4.21 of applicant's transport assessment states that 'the existing overall site currently operates as an egg packing plant and associated poultry buildings'. Since the original application was submitted the operations relating to the egg packing plant have been noticeably scaled back with far fewer traffic movements as a result. With little prospect that the egg packing plant will return to full production, it is both misleading and highly inappropriate to refer to the traffic count information dating back two years ago when the original planning application was submitted. It is therefore not possible to provide an accurate comparison of existing and proposed vehicular movements for assessment purposes.

The transport assessment indicates that the proposals would likely result in a very low increase of additional traffic movements at peak hours. It is questionable, however, as to how this conclusion has been derived and whether the figures used from the TRICS database are based on the trip generation from a comparable source. It appears from Appendix 1 of the transport assessment that the figures have been based purely on camping and caravan parks rather than chalet parks which could have very different characteristics to the proposed development. It has also been noted that



half of the sites used in the TRICS assessment are located in neighbouring centres or edge of town and are therefore not located in a similar situation to the application proposals.

The erection of 100 new holiday chalets, the size of which are capable of occupation by groups of people, is likely to generate a significant amount of vehicular traffic, particularly bearing mind the isolated nature of the site and lack of accessibility to public transport.

Putting aside the applicant's predictions of trip generation, it would be reasonable to assume, during peak times, that the chalets could generate in the region of 200 two-way vehicle movements (based on an average of two vehicle trips per day per chalet). This does not take into account the possibility of groups of people using individual chalets and excludes the movements of service and staff vehicles which could reasonably increase the number of vehicle trips in excess of 250 vehicle movements per day in either direction. This represents a significant increase in the number of traffic movements bearing in mind **actual movements** that are currently associated with the site access.

## **2. Impact of Shuttle Bus Service and Travel Plan**

The inspector's decision letter indicates that the provision of an hourly shuttle bus service to allow connections to the nearest settlements would be likely to will help to reduce the number of traffic movements to and from the site.

Although the Travel Plan provides a brief explanation as to how the service might operate, and the connections that might be made, there is limited information available to determine whether this would be of any significant benefit in reducing traffic movements by visitors and staff. Whilst at appeal, it was suggested by the appellant that a shuttle bus would run on an hourly basis, the frequency of this service is not detailed either within the travel plan, and as far as I am aware, within any other supporting documents. There is also no information available to state what type of bus will be provided, whether this will be an accessible vehicle and what the size or capacity this vehicle will be.

It should be highlighted that the most up to date transport statement still refers to the shuttle bus service as something that may be provided rather than it being a guaranteed benefit. Paragraph 3.43 of the transport statement states:

*'3.43 Given the existing bus provision a proposed shuttle bus service will be considered connecting the site to Seamer and surrounding villages.'*

As already discussed, there is no s.106 legal agreement to accompany the planning application which would firm up the detailed aspects of the shuttle bus service and provide comfort that this would be a good quality service and would actually be delivered. Furthermore, the measures outlined in travel plans are notoriously difficult to enforce without legal agreement in place and therefore cannot be given significant weight in securing appropriate measures aimed at reducing private car travel.

The success, or otherwise, of the proposed shuttle bus service (assuming this is actually going to be provided in the first instance) will depend upon whether the service is good enough to offer an attractive alternative to the private car. The fact that the majority of visitors will be expected to arrive at the site in their private cars, and will have the convenience of this transport during the entirety of their stay, requires a high quality service if it is going to be effective. It is submitted that there is insufficient detail available to consider this important issue.

In light of the above, the logical conclusion, having regard to the inspectors decision notice, is that the applicant has failed to demonstrate that the proposed shuttle bus service will be effective at replacing individual transport movements. It remains therefore that the proposed development is unacceptable having regard to local and national policies which promote a sustainable pattern of development.

### **3. Business Case**

The provision of 100 holiday chalets is tantamount to a major tourism proposal with more than local significance and ought to be supported by a robust and comprehensive financial model to show, very clearly, that the proposals have been prepared in response to the needs of visitors to the area with the prospect that they will be successful in both the short and long term.

Although the applicant has submitted a tourism and economic impact statement, this only gives a very brief account of the need for visitor accommodation and lacks any in depth market analysis to quantify what the actual, up to date market demand for this form of tourist accommodation is in the area. In demonstrating evidence of need for the accommodation, the statement relies upon figures published in 2007, which are now 4 years out of date:

*'Self catering accommodation in North Yorkshire has a high demand of around 48% of the market share consisting of serviced, camping/caravan and other. Providing premium quality holiday self catering lodges at Seamer can meet and **exceed** (our emphasis) this demand.*

.....IPS 2007 for Welcome to Yorkshire'

The above statement also suggests that the development proposals, which relate to 100 chalets, will actually exceed demand. This only adds weight to concerns that the proposed scale of the development is excessive for a new chalet park and could lead to an oversupply of this form of accommodation, with significant adverse impacts upon existing self-catering tourist accommodation in the area.

It is interesting to note that the tourism and economic impact statement also refers to both 130 chalets and 100 chalets being proposed which indicates this document has been prepared without careful consideration.

The business case outlined is also lacking in detail, fails to demonstrate that the business is based upon a sound understanding of the local tourism market and is undermined by the lack of up-to-date evidence of demand. Whilst the economic benefits of tourism are widely appreciated by planning policy, the business case cannot be considered to be robust to provide sufficient comfort to the Council that the proposals have been planned on a sound financial basis.

Without a strong business case, there is a huge amount of uncertainty regarding the viability of the proposals, which, if they fail, would result in a large amount of new development in this isolated rural location. This could lead to other forms of insensitive development which are not appropriate for a quiet rural area.



### **Other Issues**

It is understood that the applicant is again proposing improvements to the access road and traffic calming measures. From paragraph 9 of the appeal decision notice, it is clear that the inspector considered that improvements to the access road would be necessary given the existing inadequacies of this access.

Once again, without a legal agreement to secure the necessary improvements to the access road and traffic calming, there is no certainty that these benefits are capable of being delivered.

Our client has instructed Singleton Clamp (Highway and Transport Consultants) to examine the supporting transport documents and give an assessment of the existing access to the site and the intended improvements proposed to the access by the applicant. A full assessment of the highway and transport merits of the proposals will follow this letter but the initial findings from Singleton Clamp have highlighted the following concerns/inconsistencies:

- A brief assessment of the TA suggests that the TRICS data utilised in the assessment understates the anticipated traffic associated with the proposals.
- Why is there no assessment of traffic attraction for Saturday/Sunday the usual days for changeover of units?
- Is the shuttle bus a proposal or not? How will its provision be secured and what size vehicle will be used?
- What evidence can be provided to justify the alleged existing traffic associated with the site?
- The accessibility of the site in relation to modes of transport other than the private car appears to overstate the position. For example whilst Seamer may well be 2km from the site any pedestrian would be required to walk in the carriageway which is narrow, un lit, without footways and I assume subject to the national speed limit i.e. 60 mph. This is not considered to be very attractive or safe for pedestrians. A similar comment can be made in respect of cycle use as well. Indeed reference to the highway authority letter reveals that they consider large sections of Holme Lane to be unsuitable for peds/cyclists at present.
- There has been no assessment of road safety at all within the TA
- The TA is therefore considered to be incomplete and misleading and does not properly identify or deal with the anticipated impacts of the scheme.

As an addition to the above comments, my client also wishes to show, by way of the photographic evidence enclosed, that forward visibility along Holme Lane is seriously affected by significant changes in gradient and direction along the length of this road.

Photographs 1 and 2 were recently taken by my client, as he had stopped in his vehicle behind a horse and rider who had just turned the sharp 90 degree corner to the north east of the 'Crosslands' part of the site. The photograph demonstrates that due to a combination of the gradient of the road, and the adjacent embankment on the inside bend of the road at this point, it is very difficult for drivers travelling north along Holme Lane to see other road users at this point. Even the short distance between the positions where photographs 1 and 2 were taken, the visibility of the mounted rider is seriously diminished around this corner.

Photograph 3 shows other users who might on occasion use this road, in this instance two young children on bicycles about to turn the same corner. Based on the observations of from photographs 1 and 2, it is evident that visibility of such road users would be even more diminished.

Clearly, the visibility at this location is a major issue that needs to be carefully considered in light of the application proposals. You will see that I have copied this letter to Arif Zeshan (North Yorkshire County Council) and we invite him to look specifically at visibility in this particular location, in light of the photographic evidence enclosed.

In summary of the above comments, we therefore respectfully submit that the revised planning application for 100 chalets should be refused with regard to the following reasons:

- Principle of Development - on the basis of the proposals relating to an unsustainable location.
- Poor levels of accessibility to local services and facilities resulting in high levels of vehicle movements, and a dependence on the private car.
- Failure to demonstrate that the proposals have been planned on a financially sound basis and will endure without harm to existing tourism accommodation business.
- Inadequate vehicular access arrangements

In addition to representations already made on behalf of my client, the above comments outline why the proposed development is wholly unacceptable in planning terms and should be refused.

We formally request that this letter and enclosures are included with your report to committee if the application is to be reported on the 18<sup>th</sup> August, as would be indicated by the short consultation period my client has been given by your recent letter. If the application is to be reported to a later committee, we reserve the right to make further detailed representation.

Yours sincerely



**Craig Stockley**  
**BA Hons DipTP(UC) MRTPI**

Encs.

cc client,  
Zeeshan Arif (North Yorkshire County Council)



**Photographic Evidence- Visibility Along Holme Lane, Seamer**



HAMBLET FORD

- 9 AUG 2011

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howson developments ltd

Our Ref: 11.020.005

22 September 2011

Hambleton District Council  
Stone Cross  
Northallerton  
North Yorkshire  
DL6 2UU

Thorntree Farm  
Bassleton Lane  
Thornaby  
Stockton-on- Tees  
TS17 0AQ

Tel: 01642 768281  
Fax: 01642 762573

For the attention of Jonathan Saddington

Dear Jonathan

**LAND AT CROSSLANDS, HOLME LANE, SEAMER (REF. 11/00813/FUL)**

I refer to our ongoing discussions in regards to the above planning application.

As you may be aware, my client and owner/occupier of the adjacent property Moor Farm, has instructed Singleton Clamp and Partners Ltd. (SCP) to investigate and report upon the anticipated transport impacts associated with the above proposal. SCP have written to the County Council's Highway Engineer, to raise a number of questions in regards to the Transport Assessment and have highlighted a number of inconsistencies within this report. So far the highway engineer has been less than co-operative, suggesting that a response will be provided within 20 days.

Given the timescales for the determination of this application, and the possibility that the application will be reported to the next available committee on the 13<sup>th</sup> October 2011, I feel it is prudent to write to you, as the case officer, to highlight some of the inconsistencies which have been identified by SCP. It appears from recent comments that these have so far been overlooked by the highway engineer, but as the applicants consultants have been writing to the highway engineer direct, it has been difficult to view all of the relevant correspondence (as you may appreciate from my recent email correspondence with you).

I will highlight some of the main inconsistencies of the Transport Assessment under the respective headings below:

TRICS data

The TRICS data set used to support a projection of anticipated traffic movements is not representative of the rural location of the application site or the nature of the proposed development and it appears that this has not been closely scrutinised by the highway engineer. SCP have confirmed suspicions that the highway is substandard and therefore the impact on any additional vehicle/pedestrian/cyclist should be very carefully considered. **Has the highway authority undertaken any checking of the TRICS data supplied by the applicant's consultant?**



**RTPI**

mediation of space - making of place



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Howson Developments Ltd, Thorntree Farm, Bassleton Lane, Thornaby, Stockton on Tees. TS17 0AQ

### Traffic Impact for Saturdays

The traffic impact assessment undertaken does not account for traffic impacts on Saturdays and the concern is that the new traffic flows are underestimated. Saturday is likely to be a very busy day as people will leave their chalets, usually by 10am, in preparation for the next visitors arriving for check-in, which could be around 3:00pm. It is also likely that there will be other service type vehicles attending the site on that day also. A review of the data set used by Savell Bird & Axon for Saturdays indicates a trip rate of nearly twice as high as the data used within the report. **Why has the traffic impact of the proposals for a Saturday not been considered?**

### Fallback Position

We are concerned that the highway authority have not undertaken any assessment/verification of the claimed fall back position. I understand from my client, who has lived next to the site for a significant period of time and has witnessed the scaling back of the existing operations over the last two years, that there is considerable doubt in regards to the potential for the existing units to be brought back into use.

It is our understanding that some of the units have been forced to close for environmental reasons, including the identification of asbestos throughout the existing buildings and pollution to local watercourses resulting in action from the Environment Agency. It is therefore likely that it would be uneconomic to bring the existing vacant buildings back into active use, given the associated costs. These factors would effectively make void any claim of a fallback position.

The scaling back of the proposals, since 2009, when information was provided by Noble Foods in regards to existing traffic movements should also be called into question. It is suggested that there is, in fact, no fall back position and the traffic movements resulting from the proposals should be regarded as new movements on the highway network. **Have the local planning authority assessed the potential for the reuse of the site to verify the fallback position?**

### Revised Framework Travel Plan

It is difficult to see what changes have been made to this revised document since the earlier draft. My client and his transport advisers SCP, have a particular interest in the travel plan and the shuttle bus service to ascertain whether the applicant is looking to offer any meaningful provisions that are likely to have a material impact upon reducing traffic movements and the need to travel, particularly by private car (which will be all too convenient for visitors).

On reflection of the recent unsuccessful appeal, it is clear from the Inspector's decision notice that the main issue is that of sustainability. Although accepting that there are ways in which traffic movements and the need to travel may be reduced, the Inspector has clearly determined that the site is unsustainable and that the proposals would be *'contrary to local and national policy objectives aimed at achieving sustainable development and reducing the number of car based trips'*.

The Inspector has therefore placed considerable weight on the need for an effective travel plan if the proposals are to be considered acceptable. It would therefore not be unreasonable to expect the travel plan to have been closely scrutinised by the local planning authority and highway authority to ensure that the proposals are indeed meaningful.

Our view is that the applicant has provided the minimum amount of information within the framework travel plan, in regards to the proposals for reducing the need to travel, and is simply 'ticking the box'. The travel plan submitted lacks the required level of detail to satisfy the principle concern of sustainability, and, as a result, the Council cannot be assured that the proposals outlined in the plan are likely to be effective.

I now also understand that the shuttle bus service is to be offered on an 'on demand' basis. This only weakens the potential effectiveness of this particular measure, undermines the value of having a travel plan in this instance and highlights the applicant's lack of commitment towards achieving an effective strategy for reducing the need to travel. With particular relevance to the proposals, an 'on demand' shuttle bus would not provide an attractive alternative to the private car.

I would also draw your attention to paragraph 10. of the Inspectors report regarding the effectiveness of a shuttle bus.

***'However, in order to be effective, the provision of a shuttle bus (and traffic calming measures if deemed to meet the Circular advice and CIL Regulations) would need to be secured through the completion of a S106 agreement.'***

The above extract is clear – a S106 **is needed** to provide an effective shuttle bus service. This cannot be achieved by condition alone and without a S106 there is no mechanism to ensure that the intended benefits, outlined in the travel plan, are delivered. I am unaware of any such agreement being provided by the applicant in support of the application and I would formally request, on behalf of my client, that we are given notification of the Council receiving either a Heads of Terms or draft S106 with sufficient time given for consultees to respond, prior to the scheme being considered by Members.

The need for an effective travel plan is clearly of paramount importance, and this should be secured by a Section 106 agreement in order to achieve a scheme that meets the requirements for sustainable development. As evidenced by the recent appeal decision for this development, the scheme is not acceptable without a travel plan and its provisions for reducing the need to travel. The travel plan should be directly linked to the impacts of the scheme, not a generic document, and should be proportionate to the impact of the development concerned.

I trust you will take full account of the above comments and look forward to receiving your comments in regards to those questions highlighted above.

Yours sincerely

**Craig Stockley**  
**BA (Hons) Dip TP(UC) MRTPI**

cc Client