

**Parish: Brompton** Committee date: 13 December 2019  
Ward: Northallerton North & Brompton Officer dealing: Mr C Allison  
**7** Target date: 18 October 2019

**19/00541/FUL**

**Retrospective application for the siting of five static caravans on agricultural land for agricultural workers**  
**At Lowfields Farm, Fullicar Lane, Brompton**  
**For Mr Geoff Spence**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is located at the end of Fullicar Lane, Brompton and is situated within the open countryside. The business operating from the site is a dairy farm which has 685 pedigree dairy cows and 650 followers at Lowfields Farm on 114.5 hectares of grass and arable with further forage sourced from other local farms.
- 1.2 The applicant seeks retrospective planning permission for the siting of five static caravans which are to be used for the housing of agricultural workers. The caravans are currently sited behind one of the agricultural buildings. The applicant has provided two documents to justify the need for agricultural workers on the site and the need specifically for five caravans on the site.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 18/01761/FUL – Roofing over existing slurry store to reduce pollution – Approved 11 October 2018
- 17/01968/FUL – Construction of an agricultural building – Approved 13 November 2017
- 16/02713/FUL – Construction of a dwelling house (Miresdale House) and transfer of agricultural clause from Miresdale House to Lowfields Farmhouse – Approved 6 February 2017
- 15/02546/FUL – Formation of pond for flood defence purposes – Approved 18 April 2016
- 14/00865/FUL – Construction of lean-to extension for the housing of cattle as an extension to an agricultural building – Approved 10 June 2014
- 14/00409/FUL – Construction of an agricultural building – Approved 16 April 2014
- 12/00276/FUL – Construction of an agricultural building for the housing of livestock – Approved 10 May 2012
- 07/00682/FUL - Construction of an agricultural workers dwelling and creation of a new vehicular access – Approved 13 April 2007
- 06/01328/REM – Reserved matters application for the construction of an agricultural workers dwelling – Refused 29 August 2006. Refused for the following reason:

“The proposed development is contrary to Policies L9, H24 and H24 (Alteration No.1). The proposed dwelling due to its height and bulk would erode the rural character of the area to the detriment of the appearance of the surrounding countryside, designated as a Special Landscape Area. The size of the proposed dwelling is not commensurate with the needs of the farm enterprise and does not therefore accord with Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas.”

05/01464/OUT – Outline application for the construction of an agricultural workers dwelling – Approved 9 September 2005

04/02505/OUT - Outline Application for the construction of an agricultural workers dwelling – Refused 14 February 2005. Refused for the following reasons:

“There are already two full time workers living in close proximity to the farm buildings to serve its functional need. In circumstances when additional staff would be required it is not considered unreasonable for them to travel from the village of Brompton, which may be reached on a bike or in a car in a matter of minutes. It is considered perfectly reasonable to expect a worker to travel this distance and a range of properties in terms of size and price are available within the village. The proposal for an additional dwelling at the farm does not therefore accord with Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas and Policy H23 and H23A1 of the Hambleton District Wide Local Plan (1999).

The proposed dwelling, even if well designed and modest would erode the rural character of the area through the introduction of an additional domestic property in the area, to the detriment of the appearance of the surrounding countryside, designated as a Special Landscape Area. The proposal does not therefore accord with Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas or Policy L9 of the Hambleton District Wide Local Plan.”

03/00116/FUL – Construction of an agricultural building for the accommodation of livestock – Approved 23 April 2003

02/01930/FUL – Construction of an agricultural for the accommodation of livestock and storage purposes – Approved 14 November 2002

### **3.0 RELEVANT PLANNING POLICIES**

#### **3.1 The relevant policies are:**

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Policy CP8 – Type, size and tenure of housing  
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 Policy DP13 – Achieving and maintaining the right mix of housing  
Development Policy DP25 – Rural Employment  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Emerging Hambleton Local Plan  
National Planning Policy Framework

## **4.0 CONSULTATIONS**

- 4.1 Parish Council – have commented on the application and asked for an agricultural occupancy condition imposed on the caravans if approved.
- 4.2 Environmental Health – Have no objection as the development would have no impact on residential amenity in terms of noise and disturbance. However have stated if approved that a Site License would be required for the mobile homes.
- 4.3 Public comments – A site notice was posted and neighbours consulted and no letters of representation have been received in regard to the application.

## **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are: (i) the principle of residential development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on residential amenity;

### Principle

- 5.2 Policy CP1 of the Core Strategy states development that would significantly harm the natural or built environment or that would generate an adverse traffic impact will not be permitted. Proposals would be supported if they promote and encourage sustainable development. In determining applications decisions should be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 5.3 As the site is located outside of the settlement boundary of Brompton, within open countryside, Policy CP4 and Policy DP9 are of relevance. Policy CP4 and DP9 states that development will only be permitted beyond the development limits in exceptional cases, subject to several criteria:
- It is necessary to meet the needs of agriculture, recreation, tourism and other enterprises with an essential requirement to be located in the countryside and will help support a sustainable rural economy
  - Where it is necessary to secure a significant improvement to the environment or the conservation of a feature acknowledged importance
  - It would provide affordable housing or community facilities
  - It would re-use existing buildings without substantial alteration or reconstruction
  - It would make provision for renewable energy generation
  - It would support the social and economic regeneration of rural areas.
- 5.4 The proposal for the siting of five static caravans for residential use by agricultural workers is in accordance with Policy CP4 and DP9 and as such could be acceptable in principle where the need can be proven.
- 5.5 However, consideration needs to be given for the need for five agricultural workers dwellings on the site. The main management of the farm is carried out by the owners. Over the next few years the applicant will approach retirement and his input into the farm will reduce and more responsibility will be passed to the owner's son. The farm employs a number of full and part time staff. European staff are employed for the milking of the cows and the nature of the applicant's staff is that in general they work for two to three months before returning to their home countries and then returning to work at Lowfields Farm for another two to three month period.
- 5.6 With a statutory holiday requirement of 21 days plus Bank Holidays the number of hours worked by a full time person per year is expected to be about 2200 hours.

Based on the number of cattle on site and the labour requirements associated with the farm this equates to a requirement for 11.45 full time workers.

- 5.7 Labour is currently provided by the owners of the business Mr Spence, Mr Spence's son, full time employees living at Lower Stobthorne and Bethesda Cottage. The rest of the labour is provided by a part time employee, a self-employed milker and six European milkers who work on rotation with only a maximum of five ever being on the farm at any one time.
- 5.8 The applicant has stated that the existing dwellings on the farm provide accommodation for Mr Spence and his family and the other dwellings provide accommodation for other workers on the site. The applicant has stated if he was to consider alternative provision of accommodation for his workers, the minimum assured short term tenancy length is 6 months and considering his workers are here for no longer than three months this is not feasible. Therefore the applicant considers that the only alternative is to house workers within mobile homes on the site.
- 5.9 In terms of a functional need there is no doubt that the farm requires one or more full-time workers to be on hand at all times. This requirement is currently met by full time workers living in close proximity to the site. Whilst it is acknowledged that Mr Spence senior plans to retire in a couple of years there will still be three full time workers in close proximity to the farm business, providing for the functional needs of the business.
- 5.10 It is considered that the needs of the farm, in terms of being within sight and sound of the farm operations are catered for by existing bricks and mortar accommodation on the farm. In circumstances where additional staff are required, it is not considered unreasonable for staff to travel from a nearby settlement, including the village of Brompton which can be reached in a matter of minutes. It is considered perfectly reasonable to expect a worker to travel this distance and a range of properties in terms of size and price are available in the area. It should also be borne in mind that Bethesda is a four bedroom dwelling comprising part of the holding and located only 1km away from the farm operation. This is currently occupied by somebody who also works full time on the farm.
- 5.11 It is considered that the proposal for five static caravans for agricultural workers in the open countryside is contrary to the Council's Local Development Framework on the grounds that there is already permanent accommodation on the site which can meet the functional needs of the farm and alternative / additional accommodation can be found within the Service Centres of Brompton or Northallerton which are only around 1km away from the site. As such the proposed development is considered to fail to accord with the requirements of Policy CP4 and DP9.

#### Impact on the Character and appearance of area

- 5.12 Policy DP30 recognises that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on important long distance views.
- 5.13 Policy DP32 states that 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.
- 5.14 The five mobile homes are positioned to the rear of one of the agricultural buildings and adjacent to an existing hedgerow. Therefore the mobile homes are well screened and not readily visible until you are in close proximity to them. Whilst it is considered

that mobile homes as permanent accommodation in the open countryside cannot be considered to be high quality design, given the context of the development adjacent the existing, large farm buildings, the development is not considered to be harmful to the character and appearance of the countryside.

#### Impact upon neighbouring residential amenity

- 5.15 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.16 The mobile homes are situated away from any neighbouring residential properties and are well screened from any neighbouring residential properties. The proposals have no significant impact on neighbouring occupiers in terms of residential amenity. It is therefore considered that the siting of five mobile homes would have no significant impact on the amenity of neighbouring residential properties and is in accordance with Policy DP1 of the Local Plan.
- 5.17 The amenity of the occupiers of the proposed development must also be considered. The static caravans are grouped in the absence of any suitable form of amenity space, immediately adjacent the agricultural operations of the farm. Generally static caravans are not considered to be an appropriate form of development for permanent residential occupation. Whilst it is noted that the 'normal' occupation is for two to three months only this is considered to be considerably more than would be expected for holiday purposes.
- 5.18 It is considered that the proposals fail to provide a sufficiently commodious development to provide an acceptable level of amenity for its occupiers and as such fail to accord with the requirements of Development Policy DP1.

#### Planning Balance

- 5.19 The site is a large dairy farm and there is a demonstrable requirement for workers to be on site to attend to the needs of the animals on the site. However, it is noted that there are permanent dwellings associated with the farm in close proximity to the site with approximately four full time workers all within 1km of the farm and some considerably closer. Therefore, having another five permanent mobile homes on the site would be excessive considering the proximity of service centres such as Brompton and Northallerton within walking/cycling distance and therefore it is considered that the siting of five mobile homes is contrary to the Council's Local Development Framework policy CP4 and DP9.
- 5.20 Furthermore, the use of static caravans for permanent residential accommodation is considered to provide an insufficient level of residential amenity for the proposed occupiers and as such fails to accord with the requirements of Development Policy DP1.

## **6.0 RECOMMENDATION**

That subject to any outstanding consultations permission is **REFUSED** for the following reasons:

1. It is considered that the application has not adequately justified an agricultural need for additional farm workers to be accommodated on the farm holding. There are already four full time workers living in close proximity to the farm operation serving its functional needs. The proposal for five static mobile homes on the farm holding, to accommodate farm workers fails to accord with Policy CP4, DP9 and DP25 of the Council's Local Development Framework.

2. It is considered that static caravans, located in close proximity to the agricultural buildings, fail to provide a sufficient level of amenity to the proposed occupiers and as such the development is considered to be inappropriate for permanent residential accommodation and fails to accord with the requirements of Development Policy DP1.