

**Parish: Easingwold**  
Ward: Easingwold  
**4**

Committee date: 16<sup>th</sup> December 2021  
Officer dealing: Kate Williams  
Target date: 20<sup>th</sup> December 2021

**20/02342/FUL**

**Retrospective Application for the Change of Use of land for the siting of 2 no. mobile homes and associated parking to provide staff accommodation for the proposed Falcon Breeding Facility**  
**At: Dawney House Farm Dawney Lane Easingwold North Yorkshire Yo61 3NN**  
**For: Suhail Enterprises Limited**

**This application is referred to planning committee as it is related to a proposal which is a departure from the Development Plan.**

#### 1.0 Site Context and Proposed Development

1.1 Dawney House Farm is farmstead comprising the farmhouse and agricultural buildings. The application site is outside of any settlement limits. It is in proximity to the A19 near Easingwold. The site is accessed from the A19 via Crankley Lane and then Dawney Lane. Dawney Lane is single track and lined on the eastern side with allotments and leads to a scout hut. Dawney Lane itself is lined with dense native hedgerows and trees.

1.2 The character of the application site is flat and open. The site is subdivided into four existing fields which around an existing central agricultural building and farmhouse. The fields are delineated by mature hedgerows and trees, and there is a dense copse of trees in the north east corner of the site adjacent to Dawney Lane.

1.3 The aim of the falconry centre proposal is to establish a world leading centre for the selective breeding of pure bred racing and hunting birds, some of which are internationally endangered, but also the conservation of endangered birds. The justification for the proposal includes the conservation of birds which are internationally endangered species. The breeding programmes reduce the demand for the birds from illegal trapping and allows increased management for repopulation into the wild. The applicants have special approval under government regulations for importing and keeping protected species.

1.4 The applicant is now seeking retrospective planning permission for the siting of two mobile homes on the site to be used by a rural worker (Aviculturists). The applicants have agreed to a rural workers occupancy condition and temporary consent for 3 years to be attached as conditions.

1.5 This application was deferred from the November 2021 Planning Committee in tandem with the associated application for the construction of the falcon breeding facility.

#### 2.0 Relevant Planning and Enforcement History

2.1 20/02341/FUL - Construction of falcon breeding facility

## Pending Consideration

- 2.2 07/02270/FUL - Revised application for the construction of a replacement dwelling  
Permitted 24.09.2007.
- 3.0 Relevant Planning Policies
- 3.1 Local Development Framework:  
Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP15  
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 DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP33 - Landscaping  
Development Policies DP43 - Flooding and floodplains
- 3.2 Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>  
The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.
- 3.3 Relevant policies of the emerging Local Plan (eLP) are:  
S1: Sustainable Development Principles  
S2: Strategic Development Needs  
S3: Spatial Distribution  
S7: The Historic Environment  
EG1: Meeting Hambleton's Employment Need  
EG2: Protection and Enhancement of Existing Employment Land  
EG6: Commercial Buildings, Signs and Advertisements  
EG7: Businesses in Rural Areas  
E1: Design  
E2: Amenity  
E3: The Natural Environment  
E4: Green Infrastructure  
E5: Development Affecting Heritage Assets  
E7: Hambleton's Landscapes  
RM1: Water Quality, Supply and Foul Drainage  
RM2: Flood Risk  
RM3: Surface Water and Drainage Management  
RM4: Air Quality  
RM5: Ground Contamination and Groundwater Pollution

#### 4.0 Consultations

- 4.1 Parish Council - Easingwold Town Council wish to see deferred until the Falcon Breeding Centre application is approved
- 4.2 NYCC Highway Authority - No objections. They have not recommended any conditions.
- 4.3 NYCC Lead Local Flood Authority - No objections. Recommend conditions to ensure the development is built in accordance with the submitted drainage design and to secure an exceedance flow route.
- 4.4 Environment Agency - Provided the proposed development is built in accordance with the revised FRA then they remove their earlier objection.
- 4.5 HDC Environmental Health - The service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. The Environmental Health Service has no objections although but recommend that if approval is granted a condition is applied for the accommodation to be used by staff only.
- 4.6 Kyle and Upper Ouse Internal Drainage Board - They would like to add a condition that any surface water discharge into any watercourses in, on under or near the site requires consent from the Drainage Board.
- 4.7 Yorkshire Water - No comments received.
- 4.8 The application was advertised by neighbour notification, press and site notice, which have all now expired.
- 4.9 There are no public observations.

#### 5.0 Analysis

- 5.1 The main issues to consider are:

- a) Principle
- b) Impact on the character and appearance of the surrounding area
- c) Amenity

##### Principle

- 5.2 As the site is located outside of the settlement boundary of Easingwold 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, which includes whether it is necessary to meet the needs of agriculture or other enterprises with an essential requirement to be located in the countryside and will help support a sustainable rural economy and where it is necessary to secure a significant improvement to the environment or the conservation of a feature acknowledged importance.
- 5.3 It is also considered that Paragraph 80 of the NPPF is relevant which states planning policies and decisions should avoid the development of isolated homes in the countryside unless the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
- 5.4 Further guidance is set out in the National Planning Policy Guidance which considers the following is reasonable to consider which includes the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise. It specifies where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime. It also considers the degree to which there is confidence that the enterprise will remain viable for the foreseeable future, whether the need could be met through improvements to existing accommodation on the site, and in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.
- 5.5 The 2 managers will reside in the farm house and will deal with all of the administrative tasks associated with the operation of the facility. The managers are also directly involved with the breeding, incubation and hand rearing of birds. The two Aviculturists would live within the mobile homes on site with their families.
- 5.6 Their tasks, along with the managers have been provided in detail, but in summary they entail:
- Food preparation
  - Feeding
  - Cleaning pens
  - Site Maintenance
  - Documentation and record keeping
  - Research and Development
  - Breeding
  - Rearing and hand rearing
  - Security
- 5.7 The breeding and chick rearing season runs between February to early September. The processes involves a need for the handler to be on site during night time hours between 12:00am to 5:00am. After each egg has been laid that egg is placed in an incubator monitored for approximately 31 days until the eggs hatch. The eggs need 24/7 monitoring as any slight drop in temperature or humidity can be detrimental or energy failure can result in embryo to fail. Chicks are closely monitored until July. The birds also require feeding, handling and cleaning during the day.
- 5.8 The applicants have provided a breakdown of hours for 30 weeks of the year (January to September) at the established site at Great Broughton. This equates to around 89 man hours/week for both of the 2 full time staff members.

- 5.9 In addition the applicants advise that the breeding season and work now occurs all year around, because they have so many mixed species of birds and their breeding seasons varies throughout the year:
- The Hyacinth Macaws start laying eggs roughly in the end of August/beginning of September, when the rain starts. Young parrots need hand feeding 4 times a day for 9 months.
  - The African Hawk Eagles, on the other hand, start laying eggs in January and the chicks hatch in March.
  - This means that the breeding need caring for 24/7 throughout the year without cross contamination between the species and their food handling or food equipment.
- 5.10 A business plan, if provided, can help to establish whether there was justification for the proposed units in terms of its remaining viable for the foreseeable future. Officers have requested such information, but as the applicants are agreeable to a temporary permission this is not considered to be a necessity in this instance. In terms of funding it is set out in the planning statement that the Royal family of Bahrain asked the applicants to set up a breeding project on their behalf and to manage it for them here in the UK.
- 5.11 It is considered that there is a functional need for a continuous site presence due to the sensitive nature of the animals which require a 24-hour presence for breeding, animal welfare, bio-security and site security. The submitted information is summarised in the report, but a lot of detailed information have been provided and in conclusion due to the intensive and individual work of the aviculturist and the scale of the proposed development it is considered there would be a functional requirement for 3 full time workers, predominantly between January to September. There would also be additional winter tasks and breeding requirements for other species counter to the breeding time of the falcons which would also require an on-site presence. It is therefore considered reasonable to approve the temporary dwellings for 3 years to enable the business to become established, and in the interests of avian conservation and welfare.

#### Impact on the Character and Appearance of the Surrounding 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 importance 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 static mobile home has been positioned in close proximity to the existing field boundary and site entrance, and are directly behind a high evergreen tree line. Overall, they are considered to be screened. They are also in

proximity to establish allotments and access track; their presence would not be so out of character with the surrounding area to the degree that they would cause significant harm to the character of the countryside. It is therefore considered that the development does not cause significant harm to the character and appearance of the countryside.

#### 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. It is therefore considered that the siting of two mobile homes would have no significant impact on the amenity of other properties or the allotments and is in accordance with Policy DP1.
- 5.17 The amenity of the occupiers of the proposed mobile home must also be considered. Rural workers dwellings should be of a size commensurate with the established functional requirement. The temporary accommodation is not excessive, although provides a floor area above the Nationally Described Space Standards (not significantly larger). It is however considered they are commensurate with the expected functional requirement of the establishment.
- 5.18 The mobile homes are situated near, but not in close proximity to the bird enclosures. They are sited to provide additional security at the site entrance and public access. The homes have sufficient amenity space, and parking around them, waste would be dealt with via the package treatment plant. It is considered to be in accordance with Policy DP1.

#### Planning Balance

- 5.19 The retrospective application for the siting of two mobile homes for rural workers on the site is considered to be an acceptable as a need has been identified for workers to be on the site 24/7 for a significant proportion of the year. It is therefore considered that because this is a new business and the proposed accommodation can be removed that a 3 year temporary consent is appropriate. The appearance of the development is not characteristic of the area, but due to its temporary nature would be in situ for 3 years. The site is however is not so isolated and the landscape character would be able to accommodate the structures. The amenity level of accommodation for the proposed workers is acceptable, and there would be no harm to other properties or land uses. Therefore, the development is in accordance with the Council's Policies and the overarching principles of the National Planning Policy Framework. If however the associated Falconry application is not approved there would be no justification for the development and the foregoing recommendation must be reconsidered.

#### 6.0 Recommendation

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 permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council listed below unless otherwise agreed in writing by the Local Planning Authority:  
  
Drg No. L-01 Location Plan  
Drg No. AL-110 Staff accommodation  
Drg No. AI-100 Balmoral Chalet Type
3. The development shall be built in accordance with the following approved details FR-01 Flood Risk Rev D October 2021.
4. A Landscape and Ecological scheme shall be submitted for the written approval of the Local Planning Authority for that Phase.
  - i. The species mixes and structure for each landscape
  - ii. The sizes, heights, and densities of plant species to be used for the different landscape and habitat types.
  - iii. Timing of planting and delivery.

The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

5. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture or in forestry, or Aviculture a widow or widower of such a person, and to any resident dependants.
6. This permission shall be for a period of 3 years from the date of this permission. Prior to the occupation of the mobile homes commences a scheme of works for the restoration of the site after the temporary period has expired shall be submitted to and approved in writing by the Local Planning Authority. The building hereby permitted shall be removed and the land restored to its former condition in accordance with the scheme of work so approved.

Reasons:

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. For the avoidance of doubt.
3. To ensure the development does not increase flood risk elsewhere in accordance with LDF Policies CP21 and DP43.

4. In the interests of character and appearance of the area in accordance with LDF Policies CP16 and DP30 and DP33.
5. The site is in an area where new dwellings are not normally permitted except where there is an overriding need in the interest of a rural worker, agriculture or forestry. To ensure that the development accords with Local Development Framework Policy CP4.
6. This building is unsuitable due to its temporary appearance to form part of the permanent development of the area.