

COMMITTEE REPORT

Date: 14 February 2018 **Ward:** Wheldrake
Team: Major and **Parish:** Deighton Parish Council
Commercial Team

Reference: 17/02824/FUL
Application at: Crabtree New Farm York Road Deighton York YO19 6EY
For: Use of agricultural land for siting of 3no. glamping cabins
By: Mrs Anna Hopwood
Application Type: Full Application
Target Date: 15 February 2018
Recommendation: Refuse

1.0 PROPOSAL

1.1 The proposal is for the erection of 3 glamping pods measuring 6.5m by 5.1m and with a height of 2.7m. The wooden clad pods will include cooking and bathroom facilities and so no additional service buildings are proposed. They will be accessed by an existing farm track with parking and turning areas being constructed as well as paths to the pods.

1.2 The site is within the general extent of the Green Belt. It is part of a 47 acre holding owned by the applicant and their family. The site is adjacent to a number of existing farm storage buildings and is accessed via a track from the A19 and is currently used for silage. The farm house is further along the track than the farm buildings. The track is a public right of way which links in to the wider cycle and bridle ways network.

1.3 The site is on the edge of Escrick and about 700m from a bus stop and a similar distance from a petrol station providing local shopping facilities. The site is within Flood Zone 1.

2.0 POLICY CONTEXT

2.1 Draft Development Control Local Plan 2005

GP1 Design
GP9 Landscaping
GB1 Development in the Green Belt
V5 Caravan/ camping sites

2.2 Pre-Publication Draft Emerging Local Plan 2017

D1 Placemaking
D2 Landscape and setting
SS1 The role of York's Green Belt

EC5 Rural economy

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objections subject to planning conditions.

Highways Network Management

3.2 No comments received.

EXTERNAL

Deighton Parish Council

3.3 No objections.

Neighbour notification and publicity

3.4 Ouse and Derwent Internal Drainage Board - No objections subject to planning conditions.

4.0 APPRAISAL

4.1 KEY ISSUES

- Policy context
- Principle of the development - Assessment of harm to Green Belt
- Other considerations - Business need; neighbouring amenity issues; impact on visual amenity and openness.

POLICY CONTEXT

Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Draft Development Control Local Plan

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. However such policies can be afforded very limited weight.

Emerging Local Plan

4.4 The Regulation 18 consultation on the Pre-Publication Draft 2017 is now complete. The emerging Local Plan policies can only be afforded limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. The Proposals Map accompanying the 2017 plan includes the site within the Green Belt.

The National Planning Policy Framework NPPF

4.5 The NPPF was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.6 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted such as policies relating to the Green Belt.

GREEN BELT

4.7 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

4.8 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence.

The Green Belt serves 5 purposes:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment

- to preserve the setting and special character of historic towns
- and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.9 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It goes to say that 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. All development is considered to be inappropriate in Green Belt, unless it falls within the closed list of exceptions contained in paragraphs 89 or 90 of the NPPF. Paragraph 90 does allow certain types of development including the re-use of buildings provided they are of permanent and substantial construction.

PRINCIPLE OF THE DEVELOPMENT - ASSESSMENT OF HARM TO GREEN BELT

4.10 The proposal constitutes a change of use of the land from agricultural use to glamping pod pitches. As the National Planning Policy Framework makes no provision for changes in the use of land, as one of the exceptions to inappropriate development specified in paragraph 90, the proposal would therefore amount to inappropriate development in the Green Belt. The NPPF states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Substantial weight should be attached to the harm to the Green Belt arising due to the inappropriate nature of the proposed glamping pods.

4.11 The glamping pods would conflict with one of the purposes of including land within the Green Belt by failing to safeguard the countryside from encroachment. The site is currently agricultural in its character with a range of modern agricultural buildings constructed from profile sheeting and Yorkshire boarding adjacent to it. However the site itself is currently open fields and the introduction of development in to this previously undeveloped area would have some limited harm on openness.

OTHER CONSIDERATIONS - VERY SPECIAL CIRCUMSTANCES

4.12 As stated above, the NPPF clarifies that the form of development proposed constitutes inappropriate development within the Green Belt and should therefore only be approved in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant has therefore provided the following statement detailing these 'other considerations':

- The farm is currently 47 acres of arable land which was reduced from 325 acres in 2016. The additional land was rented from Escrick Park Estate. The holding

was reduced as a result of the financial pressures of low commodity prices and high input and maintenance costs based around rented land which eventually proved unsustainable. The farm was forced to reduce its size to reduce the high financial burden and risk. The income from 47 acres is not sufficient to run a viable business and so the farm is now needing to diversify. Following Brexit it is clear that European Union farming subsidies will not be available on the same scale as previously and the loss of these will mean that the farm trades at a loss.

- The location of the farm is excellent for the proposal as it is close to the city of York and a number of cycle and bridle ways. The proposal complements the existing farming operation without overly disrupting it and will provide benefits to the local economy.
- Planning committee approved application 16/02583/FUL in March 2017. This application was for the use of grain silos as holiday accommodation. The planning committee accepted the need of the farm to diversify in order to survive provided sufficient very special circumstances to outweigh harm through inappropriateness and any other harm. The applicant considers that this sets a precedent for the need of an agricultural business to diversify to provide very special circumstances. The holding related to the application 16/02583/FUL is 176 acres, the holding for this application is far smaller indicating a greater need to diversify.

4.13 Officers note the previous decision but highlight that very special circumstances by their nature should be unique to each application and cannot form a precedent for future decisions. Each application should be considered on its own merits and the very special circumstances considered in relation to the proposed scheme.

4.14 The submitted information indicates financial pressures on arable producers in general terms but it does not amount to a case for "very special circumstances" in respect of the holding itself. Whilst viability issues are highlighted in respect of the farm no specific detail is given and it is noted that the holding has been substantially reduced in recent years. The land is a mix of Grade 2 and 3 and therefore of average yield and the only indication of other proposals to diversify is a proposal for a wind turbine which was withdrawn in 2011.

4.15 It is noted that there will be some benefit to the local economy but this will be small given the scale of development proposed.

4.16 The NPPF does support sustainable rural tourism and leisure developments but these should respect the character of the countryside. As stated above, officers would argue that the introduction of glamping pods in to an otherwise agricultural landscape does not respect the character of this part of the city. The NPPF goes on to say that local plans should support the provision and expansion of tourist and visitor facilities where identified needs are not met by existing facilities. The applicant has failed to indicate whether there is any lack of such holiday accommodation in the locality but

has relied on the argument that the farm needs to diversify to remain viable to lend weight to their proposals.

4.17 Officers consider that the pods will be clearly visible in the landscape as a result of their scale, design and siting. The introduction of the 3 glamping pods, associated vehicles and parking areas into the landscape will appear alien and out of keeping with the rural character of the area. The development extends over open fields and increases the built development in to open countryside beyond the existing farm buildings. The area around the site is flat with boundary hedging with a public right of way which follows the access road and will give views of the pods beyond the existing barns. Likewise the pods will be visible from Escrick Surgery. The addition of the pods with their associated vehicles will be a visual intrusion in to the landscape changing the character of an area that is clearly agricultural at present. The impact of the pods combined with the impact of the associated parking/ turning area is considered to result in significant harm to visual amenity.

5.0 CONCLUSION

5.1 The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. The proposal is therefore assessed against more restrictive policies in the NPPF relating to protecting the Green Belt.

5.2 The NPPF indicates that very special circumstances cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case, harm has been identified by way of inappropriateness of the glamping pods. Additionally they conflict with one of the five purposes of including land within the Green Belt and have an impact on the openness of the Green Belt as a result of the introduction of the pods within an otherwise undeveloped location. Substantial weight is to be afforded to these harms to the Green Belt. The proposal would also harm character and appearance through the urbanising impact from the pods, parking areas and associated vehicles. The applicant has put forward a case for very special circumstances to clearly outweigh these harms which include the future viability of the farm and need to diversify; the good location of the site and impact on the local economy; and the precedent set by previous decisions. Officers do not consider that these considerations are of sufficient weight to clearly outweigh the significant harm identified to the Green Belt and other harm identified to the character and visual amenity provided by the rural landscape. Therefore the very special circumstances necessary to justify the inappropriate development in the Green Belt do not exist and planning permission should be refused.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed glamping pods constitute inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework. As such, the proposal results in harm to the Green Belt, by definition, and harms the openness of the Green Belt and conflicts with one of the purposes of including land within it by failing to safeguard the countryside from encroachment. Additional harm has also been identified as a result of the impact of the introduction of the glamping pods in to an otherwise rural landscape. The circumstances put forward by the applicant do not clearly outweigh this harm and therefore do not amount to very special circumstances for the purposes of the NPPF. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land'.

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