

## COMMITTEE REPORT

**Committee:** West/Centre Area  
**Date:** 22 May 2007

**Ward:** Rural West York  
**Parish:** Parish Of Rufforth With Knapton

**Reference:** 07/00313/FUL  
**Application at:** Land And Buildings Lying To The North West Of Moor Lane And Forming Part Of Oakwood Farm Northfield Lane Upper Poppleton York  
**For:** 3 No. polytunnels (Retrospective)  
**By:** D Lancaster ESQ  
**Application Type:** Full Application  
**Target Date:** 6 April 2007

### 1.0 PROPOSAL

1.1 Planning permission is sought for the retention of 3 no. polytunnels. The polytunnels are approximately 7.00 m in width x 20.00 m in length x 3.50 m in height. The polytunnels are formed from steel galvanised hoops with a transparent polythene covering. The polytunnels were originally sited at Oakwood Farm, but due to the ongoing diversification of the farm the applicant re-sited to their current position by the applicant.

### 1.2 SITE

1.2.1 The polytunnels are located on a separate parcel of land owned by the applicant. This land is adjacent Moor Lane which is a bridleway. There is a distance of approximately 55.00 m from the nearest polytunnel to the bridleway. The polytunnels are sited to the north of an existing agricultural barn which was erected under an agricultural prior notification notice.

1.2.2 The polytunnels are located within a area classified as reserved land.

### 1.3 PLANNING HISTORY

1.3.1 Oakwood Farm is situated adjacent the A1237 outer ring road to the east and adjacent North Minster Business Park to the west. The farm is located within the open countryside in an area designated as green belt. The farm was divided in 2 principal parts when the outer ring road was constructed in the 1980's. The applicant has since diversified this part of his agricultural holding into commercial B1 units. A number of existing farm buildings have been converted to small independent B1 commercial units, whilst the remaining 'undeveloped' part of this holding is given to storage of caravans and mobile homes etc.

1.3.2 This application continues the applicants diversification of his farm holding. The 3 polytunnels are used by the applicant for horticultural purposes in connection with his agricultural land. Plants and shrubs are grown within the polytunnels to be sold wholesale.

- 1.3.3 Planning consents have been granted for change of use of the applicant's existing farm buildings to business (B1) and storage and distribution (B8) at Oakwood Farm and prior notification approvals and a full planning permission for the erection of barns and polytunnels on this part of his holding. A chronology of the history of the applicant's sites are listed below.
- 1.3.4 98/00229/AGNOT - Prior Notification notice for a polytunnel at Oakwood farm. The Polytunnel was 21.00 m x 5.00 m and was sited in a field known as North Field. This field runs adjacent to the A1237. The plan indicated that the tunnel ran in an approximate North to South direction. The Council advised that this structure required planning permission under Part 6 class a restriction A1 (a).
- 1.3.5 98/00619/AGNOT. Prior Notification notice for the polytunnel as 98/00229/AGNOT. The Parish Council did not object but made comment on the strength of the building i.e. could it stand gales as it would be so close to a main road\_, the building would be conspicuous on all sides and asked for a site visit as they had concerns regarding another building within green belt. The Highways department did not object. The Council notified the applicant that full planning permission was not required for the proposal.
- 1.3.6 98/1687/AGNOT - Prior notification notice for installation of an additional polytunnel at the same location as the previous polytunnel subject of the 2 previous AGNOT notices. The applicant stated, in supporting evidence, that the first tunnel had been a success and that he wanted to erect an additional one (adjacent to the first). The plans for this application showed two tunnels lying in an East to West direction. The Council confirmed by letter that full planning permission would not be required. This was opinion was based on the assumption that the proposal would be carried out in accordance with the description and plans which were submitted for consideration.
- 1.3.7 01/02448/AGNOT - Prior Notification notice for the erection of an agricultural barn. The agent provided a supporting letter asking that this application should be approved through the agricultural prior notification procedure. Submitted plans showed that the building was to be 21.50 m x 21.50 m and to with a maximum ridge height of 7.30 m. The barn was proposed to be erected in a field off Moor Lane. The agent stated that this building would be used for the storage of straw. The Council confirmed by letter that planning permission was not required for the erection of this agricultural barn.
- 1.3.8 03/04051/AGNOT - Prior Notification notice for an agricultural building. The plans showed the building to be in a field next to the application 01/02448/AGNOT. Checks showed that this building would be within 3km of an aerodrome (approximately 1700 metres ) The officer reporting stated that 'After checking the regulations it appears that the erection of the building can not be treated as an agricultural notification as it is over 3m high and within 3 km of the perimeter of an aerodrome. It is therefore contrary to Part 6 A1.e of the Town and Country Planning (general Permitted Development) Order 1995 and a full application will be required.' On this basis the Council requested a

full application should be submitted. The applicant acquiesced to this request. A full planning application (04/0432/FUL) was subsequently submitted.

- 1.3.9 04/0432/FUL Full planning permission for the erection of a barn - Approved - 26/04/2004. The agent supplied a supporting letter asking for permission to build an agricultural building located in a field off Moor Lane, Knapton.
- 1.3.10 Site History relating to Oakwood Farm
- 1.3.11 02/02837/FUL - Change of use of agricultural building to self-storage unit (use class B8) - Approved - 19.12.2002. The applicant sought to change the use of some of the existing farm buildings into self-storage units. Plans submitted indicated the buildings which were to be changed to the self-storage units.
- 1.3.12 03/01823/FUL - Change of use of part of self-storage unit to milk distribution depot - Approved - 26.08.2003. The applicant sought permission for change of use of the previously approved planning application (02/02837/FUL) to a milk distribution depot. The application included proposals for a milk tanker and a number of milk floats to deliver and collect milk.
- 1.3.13 04/02170/FUL - Change of use to existing building to form B8 Storage or Distribution to B1 Business Use (this application covered approximately one third of the building) - Approved 27/07/2004. The other two thirds had already received permission to become firstly storage and then a milk distribution depot. The proposal sought to provide business accommodation for small commercial enterprises to use the building (a saddler and upholsterer were mentioned).
- 1.3.14 04/04040/FUL - Change of use from and agricultural building to B1 business use and B8 storage use - Approved at Committee 17/02/2005. A site visit was conducted on the 16/02/2005 by members of the planning committee, planning officers and the applicants agent.
- 1.3.15 05/02371/FUL Change the use of from agriculture to business (B1) and storage (B8) - Approved on 24/05/2006.
- 1.3.16 06/02238/FUL - Change of use of an agricultural building from agricultural to B1 (business use) and B8 (storage and distribution). This application was withdrawn in November 2006. The application only covered part of a larger building. The Council advised that an application should be submitted which included all of the building due to the applicant using all of it for the proposed use.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:  
CYSP2  
The York Green Belt

CYSP6  
Location strategy

CYGB1  
Development within the Green Belt

CYGP1  
Design

CYGP24a  
Land reserved for possible future development

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

##### **3.1.1 HIGHWAYS**

3.1.2 No objections

#### **3.2 EXTERNAL**

##### **3.2.1 BISHOPTHORPE PARISH COUNCIL**

3.2.2 No comment

##### **3.2.3 NEIGHBOUR RESPONSES**

3.2.4 A site notice was posted adjacent the site. Comments were received from 1 adjacent neighbour. These related to:-

- (i) The colour of the polytunnels is not sympathetic to the open countryside/green belt;
- (ii) Landscaping should be provided to screen the polytunnels and the other existing development on this site;
- (iii) Moor Lane is only 3.00 m in width and is fundamentally unsuitable in terms of size and design to service the complex of units on this site;
- (iv) HGV's use the bridleway to gain access to the site;
- (v) There is a significant amount of open storage littered around the site;
- (vi) The objector also raised a number of complaints relating to the cumulative impact of further development on this parcel of land would have a detrimental impact upon the green belt and that further development should not be allowed.

### **4.0 APPRAISAL**

#### **4.0 OFFICERS REPORT**

## 4.1 POLICY

- 4.1.1 Local plan policy GB1 'Development within the greenbelt' states that planning permission will only be permitted within the Green Belt where the scale, location and design would not detract from the open character of the Green Belt; where it would not conflict with the purpose of including land within the Green Belt; where it would not prejudice the setting or special character of York.
- 4.1.2 Local plan policy SP2 'The York Green Belt' states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York and is defined on the Proposals Map. Although the rural part of the Local Plan area is predominantly open countryside and protected for its own sake, virtually all land outside the main settlements is designated as Green Belt in this Local Plan. Whilst separate national planning guidance exists for both the open countryside (Countryside - Environmental Quality and Economic and Social Development (PPS7) and Green Belts (PPG2), a general presumption against unnecessary or inappropriate development runs through both sets of guidance, combined with the objective of redirecting this development towards existing settlements.
- 4.1.4 Local plan policy SP6 'Location Strategy' states that outside defined settlement limits, planning permission will only be given for development appropriate to the Green Belt or the Open Countryside.
- 4.1.5 Local plan policy CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.
- 4.1.6 Draft local plan policy GP24a "land reserved for possible future expansion" states that until, such time as the local plan is reviewed, planning permission on sites designated as reserved land will only be granted for development that is required in connection with future uses which will preserve the open nature of the land and will not prejudice the potential for future comprehensive development of the site. The applicant should demonstrate that any proposal meets these requirements.
- 4.1.7 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.1.8 PPG2: Green Belts. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described.

4.1.9 Planning Policy Statement 7: Sustainable Development in Rural Areas states that the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

## 4.2 PRINCIPAL ISSUES

- Principal of development;
- Visual impact on the openness of the green belt; and
- Land reserved for possible future development.

### 4.1.5 PRINCIPAL OF DEVELOPMENT

4.3.1 It is a matter of some practice contention as to whether transparent plastic polytunnels are operational development, much depends on principles related to size, the method of fixing to the ground and degree of permanency. However, the thrust of case law and appeal cases which have considered agricultural/ horticultural polytunnels indicate that operational development will be held to have occurred. On this basis the Council advised that this existing development should be formally legalised.

4.3.2 Buildings constructed for agriculture are an exception to the general presumption against new building in green belt areas, and of course this policy also applies to horticultural buildings and buildings/structures erected for use ancillary to horticulture. However, appropriateness may be overridden by policies designed to maintain openness.

4.3.3 This application pertains to the further development of land for horticulture purposes within the defined green belt. As noted in previous planning applications concerning Oakwood Farm, the principle of diversification and finding suitable alternative uses within the open countryside/green belt is supported by the Council's Green Belt policy, national planning guidance contained within PPS7 and PPG2. PPS7 states 'recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location.'

4.3.4 The applicant has stated that the construction of the York ring road had a dramatic impact upon his agricultural activities. The applicant has therefore carried out a programme of diversification of this part of his holding. Due to the continued diversification of Oakwood Farm to B1/B8 uses, he has relocated this particular horticultural operation.

4.3.5 It is considered that this proposal accords with Council policy and Government Guidance as laid out in PPS7 and PPG2. The polytunnels would not appear to have a greater impact upon the green belt as they are to be located between 2 agricultural buildings, the use and the principle of farm diversification within this part of the applicant's holding has also been previously been established.

#### 4.4 VISUAL IMPACT ON SURROUNDING AREA

4.4.1 Section 3.15 of PPG2 states that 'The visual amenities of the green belt should not be injured by proposals for development within or conspicuous from the green belt which, although they would not prejudice the purposes of including land in green belts, might be visually detrimental by reason of their siting, materials or design.

4.4.2 As noted in (Hart D.C. 15/6/94) a stance that horticultural buildings should be resisted simply because they are in an area of sensitive landscape is not likely to be supported. Here, an inspector felt that a balance had to be made between the effect of development on the landscape and the need to ensure that the rural economy was not stifled and prevented from necessary growth. The appeal was allowed on the basis that the proposed polytunnels would only be glimpsed and there would be no landscape harm.

4.4.3 After negotiations with the applicant's agent it was considered appropriate to seek a landscaping scheme to ameliorate the visual impact of the polytunnels within the green belt. The applicant has also agreed to additional landscaping to reduce the impact of the existing barn and proposed barn adjacent the polytunnels. Taking this above additional aspect into consideration, it is considered that the proposal to retain the 3 polytunnels is acceptable and would not have a detrimental impact upon the openness of the green belt.

#### 4.5 LAND RESERVED FOR POSSIBLE FUTURE DEVELOPMENT

4.5.1 Draft local plan policy GP24a seeks to protect land designated as on sites designated as "land reserved for possible future expansion". The policy states that reserved land will only be granted for development when it is required in connection with future uses which will preserve the open nature of the land and will not prejudice the potential for future comprehensive development of the site. The applicant has stated that the polytunnels will be constructed from metal hoops set into the ground and covered with polythene sheeting. The construction of the polytunnels is lightweight and they could easily be removed from site if required. As such it is considered that the polytunnels would not prejudice any possible future expansion of the area. Bearing this in mind it is considered that the proposal satisfies policy GP24a.

## 5.0 CONCLUSION

It is considered that the proposal satisfies the Council's local plan policies and national planning guidance advocated in PPG2 and PPS7. With suitable landscaping, the impact of the polytunnels would be ameliorated to a

satisfactory level. A suitable landscaping scheme will also lessen the impact of the existing barn on site and the approved undeveloped barn, both of which have no requirement for landscaping.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

- 1 A scheme of planting the trees and hedgerow to obscure the polytunnels and associated agricultural barns, shall be submitted in writing to the Local Planning Authority within 3 months of the date of approval. The scheme shall then be carried out in its entirety and in accordance with the written approved details to the satisfaction of the Local Planning Authority within 6 months of the date of this permission. In the event of the any newly planted constituent part of the hedging or trees failing to survive, or being removed, it/they should be replaced within 12 months of failure by the planting of such live specimens in such number as may be approved in writing by the Local Planning Authority.

Reason: In order to preserve and ensure the continuity of the existing landscape features of the site in the interests of public amenity and the character of the green belt.

### **7.0 INFORMATIVES: Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the green belt. As such the proposal complies with policies SP2, SP6, GB1, GP24a and GP1 of the City of York Local Plan Deposit Draft and also PPG2.

#### **Contact details:**

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