

COMMITTEE REPORT

Date: 15 November 2018 **Ward:** Strensall
Team: Major and **Parish:** Earswick Parish Council
Commercial Team

Reference: 18/01979/FUL
Application at: Hall Farm Strensall Road York YO32 9SW
For: Demolition of the existing agricultural buildings and change of use of the land to provide 17no. touring caravan pitches between April and October each year, and associated refuse storage and shower and w/c facilities.
By: Mr Andrew Thompson
Application Type: Full Application
Target Date: 23 October 2018
Recommendation: Refuse

1.0 PROPOSAL

1.1 The proposal is for the demolition of some of the existing agricultural buildings on site and a change of use of the land to provide 17 touring caravan pitches. These will be available between April and October annually. A refuse compound will be provided. Toilet and shower facilities will be accommodated within an existing building.

1.2 The site is within the general extent of the Green Belt. It is accessed off a single track road from Strensall Road which leads down to the farm buildings. These are tightly grouped together and are a selection of buildings and silos. The notable feature is that the buildings are fairly low in height for agricultural buildings. There is some new tree planting to the East of the site.

1.3 The character of the area is rural and agricultural and marks a distinct change from the modern housing on the edge of Earswick. The land is very flat with large fields with some hedges on boundaries. The site itself goes down to the River Foss with the areas closest to the river being in Flood Zones 2 and 3.

PLANNING HISTORY

16/02886/FUL - Change of use of agricultural buildings to livery stables and caravan touring pitches including refreshment and toilet block - Refused

17/01788/FUL - Change of use of agricultural buildings and adjacent land to livery stables – Approved

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

Emerging Local Plan

D1 Placemaking

GB1 Development in the Green Belt

EC5 Rural Economy

Development Control Local Plan (DCLP) 2005

GP1 Design

V5 Caravan/ camping sites

GB1 Development in the Green Belt

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objections, subject to conditions.

Flood Risk Management

3.2 Insufficient drainage details have been provided. Further information about existing and proposed situation is required.

EXTERNAL

Foss Internal Drainage Board

3.3 No objection in principle, subject to conditions.

Earswick Parish Council

3.4 No objections subject to retention of the 40mph speed limit currently on trial along this stretch of Strensall Rd.

Neighbour notification and publicity

3.5 No comments received.

4.0 APPRAISAL

4.1 KEY ISSUES

- Policy context
- Principle of the development - Assessment of harm to Green Belt
- Character and appearance
- 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 the 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.

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 as revised in July 2018, although the weight that can be afforded to them is very limited.

Policy V5 refers specifically to caravan sites.

Emerging Local Plan

4.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

Policies GB1 'Development in the Green Belt' and EC 5 'Rural Economy' are relevant.

National Planning Policy Framework (2018)

4.5 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed.

GREEN BELT

4.6 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 133 to 141 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.

4.7 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.

4.8 The NPPF (paragraph 143) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very

special circumstances. Paragraph 146 allows for certain forms of development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These forms of development include, at para.146e, material changes in the use of land (such as changes of use for outdoor sport or outdoor recreation, or for cemeteries and burial grounds).

PRINCIPLE OF THE DEVELOPMENT ASSESSMENT OF HARM TO GREEN BELT

4.9 A caravan is a temporary structure, therefore the proposal constitutes a change of use of the land from agricultural use to touring caravan pitches. The NPPF 2018 makes provision for a material change of use in land such as changes of use for outdoor sport or outdoor recreation or cemeteries however the siting of caravans is not considered to constitute outdoor sport or outdoor recreation and the proposal therefore does not fall within any of the exceptions identified within para.146 of the NPPF and is inappropriate by definition.

IMPACT ON OPENNESS

4.10 The proposal results in the removal of 945m² of agricultural buildings and their replacement with 17 touring caravan pitches, a refuse store and hardstanding for parking. While it is appreciated that all proposed development is within the existing development footprint, the site is currently agricultural in its appearance, with little change in character anticipated as a result of the approved change of use given the retention and re-use of the buildings. The site comprises of generally low level buildings in predominantly dark colours. The introduction of up to 17 caravans and vehicles into the landscape will appear alien and out of keeping with the rural character of the area. Para.141 of the NPPF requires that local planning authorities should plan positively to retain and enhance landscapes, visual amenity and biodiversity within Green Belts. There is a clear visual aspect to openness, not just a spatial one, and it is maintained that the proposal will impact detrimentally on openness as a result of its impact on visual amenity.

4.11 Since the previous applications, the emerging Local Plan has been submitted for examination. The site is within an area identified for preventing coalescence within the Local Plan (Figure 3.1). Text in para. 3.5 identifies that technical work carried out by the Council identifies areas of land outside the built up areas that should be retained as open land as they prevent communities within the environs of York from merging in to one another and the city.

CHARACTER AND APPEARANCE

4.12 The impact of the proposal on the openness has been discussed above. It is also noted that the proposal encroaches in to the open fields around the site. To the East of the farm buildings, a landscape buffer has been formed with tree planting and timber fencing. This reduces the visual separation between the site and the

highway. A refuse collection area and servicing points for caravans will further intrude into the character of the rural landscape.

4.13 The applicant highlights a suggested fallback position following on from previous assessment of the agricultural buildings as dark in colour, and therefore less visually intrusive than caravans. They suggest that the existing buildings could be painted in any colour and could thereby become equally visually intrusive as the proposed caravans. Officers note that this could occur but do not consider that it represents a realistic fall back. Concern about the visual impact of the caravans related both to their colour and also to their alien form, whereas changing the colour of the existing buildings would not alter their agricultural form.

4.14 It is also noted that an area of parking has been approved in relation to the approved equestrian activity. While it is recognised that overnight parking in this area has not been controlled, the permanent storage of equestrian-related vehicles in this area, beyond those directly associated with the livery business, would constitute a change of use. As such it is considered unlikely that there would be permanent parking of large numbers of vehicles in this area. The caravan pitches however are designed for overnight parking of caravans and associated vehicles from April to October and would have a more significant impact on visual amenity.

VERY SPECIAL CIRCUMSTANCES

4.15 Officers note that planning permission has been granted for the change of use of some of the existing agricultural buildings on the West side of the site to equestrian use with associated parking, dressage arena and exercise yards but do not consider that this provides justification for the proposed caravan pitches. The approved development was considered to comply with Green Belt policy unlike the current proposal.

4.16 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. The applicant has put forward the following very special circumstances:

- Para.141 of the NPPG identifies the need to plan positively to enhance the beneficial use of the Green Belt. The proposal provides opportunities for people to access the Green Belt for outdoor sport/ recreation; enhance the landscape/ visual amenity; and improve damaged/ derelict land.
- Benefits to the rural economy. The proposal is to provide caravan pitches associated with the equestrian facilities to cater for an increasing trend for equestrian based holidays. There are no existing equestrian liveries in the York area which enable horse owners to camp on-site. The proposed scheme will therefore serve to diversify and improve the tourism offer in York.

Paragraph 83 of the NPPF supports the sustainable growth and expansion of

all types of business in rural areas; development and diversification of agricultural and other land-based rural business; sustainable rural tourism and leisure developments which respect the character of the countryside.

- Policy EC5 of the 2018 Draft Plan states that 'York's rural economy will be sustained and diversified through ...permitting camping and caravan sites for holiday and recreational use where proposals can be satisfactorily integrated in to the landscape without detriment to its character, are in a location accessible to local facilities and within walking distance of public transport to York, and would not generate significant volumes of traffic'. The site is in a sustainable location on a bus route and trees provide good screening. In the supporting text to the policy paragraph 4.16 explains that the reuse of farm buildings for business and leisure activities can bring jobs to the rural economy. Para. 4.17 indicates that there is pressure for tourist related uses in the rural area and encourages the development of small scale camping and caravan sites which are unobtrusive in the landscape

4.17 The text associated with policy EC5 indicates that the policy intended to support and be flexible to the needs of those who rely on the land-based economy. Para. 4.17 of the supporting text to policy EC5 goes on to say that camping and caravanning sites can seriously harm the landscape if they are insensitively located; all proposals will be expected to be unobtrusive within the landscape and be in keeping with the character of the rural area. An impact on the character of the landscape has been identified and the proposal is considered to be obtrusive in the landscape. It is considered that in accordance with paragraph 216 of the NPPF, in taking account of the advanced stage of preparation of the 2018 Draft Plan, the lack of significant objection and the degree of consistency with the NPPF policy EC5 carries limited weight. It is further considered that compliance with the policy would not over-ride the need to comply with national Green Belt policy given the limited weight which can be afforded the emerging Local Plan.

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. Having regard to the purpose of the RSS policies it is considered appropriate and justified that the proposal is therefore assessed against the restrictive policies in the NPPF relating to protecting the Green Belt.

5.2 The NPPF indicates that very special circumstances necessary to justify inappropriate development in the Green Belt cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF also states that in the planning balance substantial weight should be given to any harm to the Green Belt. In this case, harm has been identified by way of inappropriateness of the touring caravan pitches. The presumption against inappropriate development in the Green Belt

means that this harm alone attracts substantial weight. Additionally, the touring caravan pitches would reduce the openness of the Green Belt as a result of the introduction of touring caravans within a predominantly rural landscape when the most important attributes of Green Belts are their openness and permanence. The touring caravan pitches would also undermine one of the purposes of including land within the Green Belt by failing to safeguard the countryside from encroachment. The harm to the Green Belt is added to by the harm to the character and appearance of the area.

5.3 The applicant has put forward a number of factors to demonstrate very special circumstances to clearly outweigh these harms, which include benefits to the rural economy and contribution to the sustainability of the local economy as identified in policy EC5 of the emerging Local Plan, but officers do not consider that these factors, individually or cumulatively, are sufficient to clearly outweigh the harm identified to the character and visual amenity provided by the rural landscape and the substantial weight to be attached to the harm to the Green Belt.

5.4 Consequently the very special circumstances necessary to justify the development do not exist.

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed touring caravan pitches constitute inappropriate development in the Green Belt as set out in Section 13 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 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 touring caravans in to a predominantly rural landscape. The other considerations put forward by the applicant do not clearly outweigh these harms 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 113'Protecting Green Belt land'.

7.0 INFORMATIVES:

STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

Considered the proposal in relation to relevant national and local policy.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

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