

COMMITTEE REPORT

Committee: West/Centre Area

Ward: Rural West York

Date: 22 May 2007

Parish: Parish Of Rufforth With
Knapton

Reference: 07/00314/FUL

Application at: Oakwood Farm Northfield Lane Upper Poppleton York YO26
6QF

For: Erection of fence to field boundary (Retrospective)

By: D Lancaster ESQ

Application Type: Full Application

Target Date: 9 April 2007

1.0 PROPOSAL

1.1 Planning permission is sought for the retention of 2 sections of 3.00m high metal profile fencing, within parts of the existing boundary hedge of Oakwood Farm. The hedge had previously been removed in these 2 sections and the fencing was erected to secure the site. The fencing is green in colour and is set back from the line of the existing hedgerow. The applicant proposes to replant hedgerow to eventually screen the fencing or replace it entirely.

1.1.1 The smaller of the 2 sections is approximately 15.00m in length by 3.00m in height and is adjacent North Field Lane. The second section of fencing is approximately 30.00m in length by 3.00m in height. This section encloses the southern most corner of the applicant's plot of land. This fence section partially abuts North Field Lane but also returns around the site and partially abuts the York outer ring road (A1237).

1.2 SITE

1.2.1 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.

1.2.2 The fencing is located with an area classified as a recreational opportunity area.

1.3 PLANNING HISTORY

1.3.1 This fencing forms part of a larger site, to which separate planning consents have been granted at various times. Planning consents have been granted for change of use of the applicant's existing farm buildings to business (B1)

and storage and distribution (B8). A chronology of the history of the site is listed below.

- 1.3.2 02/02837/FUL - Change of use of an 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.
- 1.3.3 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.
- 1.3.4 04/02170/FUL - Change of use of an 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).
- 1.3.5 04/04040/FUL - Change of use from an 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.
- 1.3.6 05/02371/FUL Change the use of from agriculture to business (B1) and storage (B8) - Approved on 24/05/2006.
- 1.3.7 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.
- 1.3.8 06/02637/FUL - Change of use to Class B1 (Business Use) and Class B8 (Storage and Distribution Use) (resubmission) – Approved on 17.01.2007 by West and Centre Sub-Committee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001
DC Area Teams West Area 0004

2.2 Policies

CYSP2

The York Green Belt

CYGB1

Development within the Green Belt

CYSP6

Location strategy

CYGP1

Design

CYL1d

New public parks, green spaces, woodlands and wetlands

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) There is a discrepancy between the length of the fencing indicated on the drawings and what has actually been erected; and
- (ii) The fencing is industrial in character and appears to have been formed from metal sheet roofing. The fencing is excessive in height and appears incongruous within the green belt. It is not appropriate or necessary for agricultural use.

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 Draft 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 L1d "New public parks, green spaces, woodlands and wetlands", indicates locations for recreational opportunity, such a parks, play areas, green spaces, woodlands and wetlands as part of comprehensive developments to improve the quality of the local environment.
- 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

- Applicant's justification for the retention of the fencing;
- Visual impact on the surrounding green belt;
- Comments raised by objector;
- Other issues; and
- Impact upon recreational opportunity area.

4.3 APPLICANT'S JUSTIFICATION FOR THE RETENTION OF THE FENCING

4.3.1 The principle of commercial and alternative employment uses on the site has been established by the granting of previous permissions, including the most recent permission last year (06/02367/FUL).

4.3.2 Furthermore, 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. 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.'

4.3.3 The applicant has stated that the construction of the York ring road has had a dramatic impact upon his agricultural activities. To compensate for this he is renting and investing in additional land to the west of the ring road. As a consequence of this and changing methods of farming, the barns have become redundant in terms of their original use/purpose. The applicant has therefore carried out a programme of diversification and reuse of buildings on this site.

4.3.4 The applicant argues that the fence is a necessary ancillary item, to assist the functioning of the site. Indeed, the applicant asserts that security of his site is paramount to uses being undertaken, in particular the storage of caravans and motorhomes.

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 Bearing the above in mind, it is considered that such a permanent feature within the green belt/open countryside would be unacceptable. However,

taking into consideration the applicants genuine need to secure his site, it is considered reasonable to grant a temporary/limited planning permission.

- 4.4.3 If a limited planning permission were granted, it would allow the following:-
- (1) The proposed hedging adequate time to develop and mature, thus integrating with the existing hedge;
 - (2) The site would be secure;
 - (3) Adaptability on when it would be acceptable to remove the fence whilst addressing points 1 and 2.

4.5. COMMENTS RAISED BY OBJECTOR

4.5.1 The type, appearance and design of the fence would not normally be acceptable within the green belt. However the applicant has mitigated it's impact by painting it a dark green and setting it behind the existing hedgerow. The height of the fencing is also comparable to the existing hedgerow. Taking these points into consideration, It is believed that it's impact would be significantly lessened over a reasonably short period of time, as the replacement hedging establishes itself. Eventually the fence could then be removed.

4.6 OTHER ISSUES

4.6.1 In addition to the existing fence, the subject of this application, another galvanised palisade fence has been erected in front of the hedgerow. The applicant has agreed to remove this, as a further compromise to agreeing to a limited permission for the retention of the green fence on a temporary basis until the hedgerow grows to an adequate height.

4.7 LAND IDENTIFIED FOR RECREATIONAL OPPORTUNITY

4.7.1 Draft local plan policy L1d identifies areas on the proposals maps for recreational opportunity such as parks etc. The policy further states that these areas will be brought forward with the reserved land in a comprehensive way, if such land is needed for future development beyond the lifetime of the plan. At present there are no plans to develop the reserved land in question. Furthermore it is considered that the fencing would not prejudice the possible future redevelopment of the area. It should also be noted that the fencing is recommended for approval on a temporary basis only and therefore would not have a permanent impact. As such it is considered that the retention of the fencing satisfies policy L1d of the Local Plan.

5.0 CONCLUSION

5.1 It is considered that whilst the proposal does not strictly accord with Council policy. However it does fall within the spirit of the Council's local plan policies and PPG2. The temporary retention of the fence would not appear to have a long lasting impact upon the green belt. Furthermore, it's impact would be reduced exponentially as the replacement hedgerow re-establishes itself.

6.0 RECOMMENDATION: Approve

- 1 The section of green metal 3.00 m high fencing adjacent North Field Lane and the section of fencing bounding the southern most corner of the applicant's plot of land, abutting the junction of North Field Lane, Moor Lane and the York outer ring road (A1237) shall be removed on or before 22.05.2010 and the land should be restored to its former condition in accordance with details to be agreed in writing by the Local Planning Authority before restoration is commenced.

Reason: Permission is granted only in light of the short term need for the development and also so as not have a long term detrimental impact upon the Green Belt.

- 2 The galvanised palisade fencing sited adjacent Northfield Lane shall be removed within 3 months of the date of this temporary planning permission, or within such longer period as may be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and setting for the boundary of the site and so as not to prejudice the character and appearance of the green belt.

- 3 A scheme of planting the replacement hedgerow to infill the gaps in the existing hedge, 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 failing to survive, or being removed, it should be replaced within 12 months of it's 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 and GP1 of the City of York Local Plan Deposit Draft and also PPG2.

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