

COMMITTEE REPORT

Date: 15 June 2017 **Ward:** Strensall
Team: Major and **Parish:** Earswick Parish Council
 Commercial Team

Reference: 16/02886/FUL
Application at: Hall Farm, Strensall Road York YO32 9SW
For: Change of use of agricultural buildings to livery stables and caravan touring pitches including refreshment and toilet block
By: Mr Andrew Thompson
Application Type: Full Application
Target Date: 21 April 2017
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application was presented to the main committee on 23rd March with a recommendation for refusal. The committee agreed that the application should be deferred pending further information on operation of the proposed business and details of the financial circumstances of the existing business. The application was presented again at committee on 20th April but was again deferred to allow the applicant to provide evidence of what alternative proposals for diversification to appropriate development in the Green Belt had been investigated and discounted; and how the proposal would be viable and ensure that the residual farming operation could continue at the site. This information has now been received and is considered in paragraphs 4.25 – 4.27 of this report.

1.2 The proposal is for change of use of the existing pig farm to an equestrian use. About half of the existing buildings will be retained and converted into loose boxes, and associated storage uses. A building will be retained for use as a reception area and another replaced by a similarly sized building and used as a toilet and kitchen block for the proposed touring caravan pitches. These caravan pitches will be situated within the existing built form of the site in an area where the existing buildings will be demolished. Further demolition will allow for construction of a dressage arena, exercise yard and horse walker as well as parking for 24 cars. Landscaping will be introduced around the site.

1.3 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. Currently the South of the site is identified by a row of straw bales piled three high but there is otherwise little boundary treatment around the site.

1.4 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.

2.0 POLICY CONTEXT

2.1 See Appraisal

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objections. The site has been subject to some complaint regarding alarms and occasional odour and therefore the change of use is likely to result in some improvement in amenity to neighbouring residents. Conditions are recommended in the case of contamination being discovered during construction, to control hours of demolition and construction and for the installation of an EV charging point.

Highways network management

3.2 No objections. A new access has been proposed approximately 30m from the existing. This will provide better visibility and is acceptable. It is not considered that the proposed use will result in any material increase in traffic above that of the existing farm use. The site is reasonably sustainable with bus stops on Strensall Road linking the site to the city centre and a footpath on Strensall Road linking the site to local services in Strensall. Conditions are recommended including one to agree details of the access road which can be reduced in width to single track with passing places after an initial two way road.

Planning and Environmental Management (Landscape)

3.3 The arrangement of buildings and silos are exposed to views along Strensall Road, but are of a character that is fitting to the rural location and medium-large field pattern. The various buildings/structures create an interesting juxtaposition of functional forms and fabrics. The south east corner of the site is currently partly concealed by stacked, round, straw bales. The proposed landscape mitigation includes the planting of hedgerows along boundaries where there are currently none; the gapping up of existing hedgerows; and the addition of new hedgerow trees, thereby restoring and supplementing existing landscape features that are typical for the area and the local landscape character. The resulting additional vegetation would provide a degree of screening, and would provide an appropriate setting for the development, as well as providing a more attractive draw to the eye than at present. The proposed development would be contained within the confines of the existing building complex. The caravans are the only items within the proposed development that would not be in keeping with the existing character.

Nonetheless, the number of caravans is limited (in accordance with draft policy), and would be closely associated with the remaining buildings. Thus there is no encroachment into the adjacent fields. Furthermore, there remains a good distance between Strensall Road; and the landscape mitigation would provide some screening/distraction from the caravans. Therefore, the change in landscape character threatened by the introduction of 17 caravans is not significant. Topography and distance protects views from the RPOW alongside the opposite bank of the Foss. Conditions recommended.

Planning and Environmental Management (Ecology and Countryside)

3.4 There are no statutory or non-statutory nature conservation sites on or immediately adjacent to the site however the site the Regional Green Corridor No.3 (The River Foss). The corridor is important for the movement of wildlife into the urban area. A bat survey of the buildings was undertaken and it was established that bats were no longer using the buildings. A condition is recommended to mitigate for loss of bat roosting opportunities.

Flood Risk Management

3.5 No comments received.

EXTERNAL

Foss Internal Drainage Board

3.6 No objection to the principle of the development and conditions are recommended.

Environment Agency

3.7 No objection as the buildings are within Flood Zone 1.

Earswick Parish Council

3.8 No objection to the proposal but enquire what measures will be taken to ensure highway safety on Strensall Road in relation to slow moving traffic and horses.

Publicity and neighbour notification

3.9 The National Farmers' Union have made representation in support of the application citing that the farmer wishes to diversity his business which will allow the family to support the wider economy.

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.

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. Policy V5 refers specifically to caravan sites. The policy reads:

Planning permission for new (or extensions to existing) caravan / camping sites outside defined settlement limits will be granted provided:

- a) the number of pitches does not exceed 20; and
- b) there will be no pitches for static caravans on the site; and
- c) the proposal does not involve the erection of permanently-sited ancillary buildings other than toilets/washrooms and a site office; and
- d) the site is associated with an existing settlement and of a compatible scale to that settlement; and
- e) the site is readily accessible by public transport; and
- f) there is no adverse effect on the openness of the Green Belt; and
- g) it provides a direct benefit to the local residential workforce; and
- h) the approach roads are of a suitable standard to accommodate caravans; and
- i) there is no adverse effect on the provision of local services; and
- j) the proposal is complimentary to recreational opportunities in the vicinity; and
- k) it provides a direct benefit to the local residential rural community.

Emerging Local Plan

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was

halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded 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 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. Your officer's view is that this presumption does not apply to this proposal as the site lies within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the more restrictive policies in Section 9 to the NPPF.

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 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 There are three distinct elements to the proposal - the re-use of some of the farm buildings as livery stables; construction of horse exercise areas, toilet block and parking spaces; and the construction of touring caravan pitches.

4.11 Considering these elements in order, the re-use of the farm buildings is considered to comply with Green Belt policy. The NPPF allows for the re-use of buildings provided they are of permanent and substantial construction. Officers do not contest that these buildings are other than permanent in construction and are therefore suitable for re-use. The NPPF (para.89) also allows for appropriate facilities for the provision of outdoor recreation provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The stabling is proposed within existing buildings and as such is considered to have little impact on openness. The 5 purposes of including land in the Green Belt are stated in para.4.8 above and, as a result of the conversion of existing buildings, it is again considered that this element of the proposal is acceptable in principle.

4.12 The second element of the scheme is the construction of ancillary horse exercise yards to the south of the site, toilet block and a parking area to the west. The applicant has confirmed that these will be surfaced in rubber chippings with timber fences. No floodlighting is proposed. Again, para.89 of the NPPF is relevant which allows for appropriate facilities for the provision of outdoor recreation provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The applicant has confirmed that much of this area of the site is already hard-surfaced and therefore the change of surfacing will have little impact on openness. The toilet block replaces a similarly sized farm building and is therefore considered to have little impact on openness. The parking spaces are within an area that currently comprises a number of small buildings and some hardstanding and are to serve the stables. As the vehicles will be parked for a relatively short length of time as well as being landscaped, it is considered that the impact on openness will be small. The only potential element of this part of the scheme to impact on openness is the addition of fencing but, as this area of the site is already surrounded by tall straw bales, it is unlikely that their replacement with fencing will have any greater impact on openness. It is therefore considered that the proposed dressage arena, exercise yard, toilet block and horse walker are acceptable in principle.

4.13 The final element of the scheme is the touring caravan pitches. As a caravan is not a building, the proposal constitutes a change of use of the land from agricultural

use to touring caravan pitches. As the Framework makes no provision for changes in the use of land, as one of the other forms of 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 arising due to the inappropriate nature of the proposed caravan pitches.

4.14 The caravan pitches are also not considered to contribute to the five purposes of including land within the Green Belt by failing to safeguard the countryside from encroachment. While it is appreciated that all proposed development is within the existing development footprint, the site is currently agricultural in its character. It comprises of 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. While the pitches do not intrude in to the undeveloped fields around the buildings and new landscape planting is proposed it is not considered that this will be sufficient to ensure the caravans are not excessively prominent. The area around the site is flat with large unbroken fields providing clear views of this side of the site from Strensall Road. The addition of the caravan pitches with their associated caravans and vehicles will be a visual intrusion in to the landscape changing the character of an area that is clearly agricultural at present.

4.15 The proposal includes changes to the access point to move it from the existing position South along Strensall Road towards the city centre. This allows for better visibility when exiting the site but results in a larger access road and visibility splay which will impact on openness. The proposed plan shows a two way road for the entire length of the drive which would have a significant impact on openness however highways officers have indicated that this is not required and, after an initial two way stretch, the drive could be narrowed to single track with passing places. These details could be controlled via a planning condition if the scheme were to be approved.

OTHER CONSIDERATIONS VERY SPECIAL CIRCUMSTANCES

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 therefore provided the following statement detailing these very special circumstances:

- The caravan pitches will lie entirely within the footprint of existing buildings. As shown on the attached Site Plan (HF-S-001-2b) the scheme will involve the removal of 23 agricultural buildings, including 2 visually prominent silos. This will result in a 1214m² reduction in built up area. The caravan pitches, even

when fully occupied, will result in a far greater sense of openness than the existing cluster of run-down agricultural buildings. The proposed scheme will therefore have a positive impact on the visual qualities of the green belt, which would not be the case if the existing buildings were to be re-used or re-developed.

- The existing pig farm is a source of odour and noise from alarms, which has given rise to a number of complaints as stated in the Public Protection Officer comments. The Officer has confirmed that the change of use would likely have a positive impact on the amenity of the nearby residential properties.
- There are no existing equestrian liverys 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 28 of the NPPF supports the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- The owners are finding it increasingly difficult to maintain a viable business given the competitive market conditions they currently operate in. This change of use will provide continued employment on the site for Mr Thompson and his daughter and will contribute to sustainable economic growth in a rural area as supported in NPPF Paragraph 28.

4.17 It is noted that the caravan pitches are entirely within the existing footprint of the site but this does not alter the fact that the change of use of land within the Green Belt constitutes inappropriate development which is by definition harmful. The impact on the character of the area and the consequent substantial harm identified as a result of this impact has been discussed above. In relation to the visibility and prominence of the caravans in the landscape it should be noted that the text associated with policy V5 of the DCLP suggests that 'The essential screening of sites should consist of already well established tree cover and any new planting should only be necessary to reinforce existing cover.' The very flat and open nature of the site will result in the caravans being highly visible and it would be a number of years before the proposed planting provided any practical screening. The caravans will be seen from Strensall Road with the backdrop of the retained buildings but this gives little of the natural enclosure which would usually be expected when considering new caravan sites.

4.18 It is accepted that there is some small benefit from the loss of the noise and odour disturbance to local residents as a result of the site. This is however given only limited weight as it is not considered unusual to expect animal odours within the countryside and public protection officers have confirmed that this is only an occasional problem.

4.19 At the previous committee meeting the applicant provided a letter from their accountant indicating that the business has experienced trading difficulties for several years. The overall figures were provided but the applicant has requested that these remain confidential to protect his ongoing business. Information was also provided by the National Farmers Union on the pressures facing pig farmers at the present as a result of an increase in imported meat and poor exchange rates.

4.20 Further additional information was provided about the relationship of the caravan park and equestrian centre. This indicated that the caravan park is intended to be a general use caravan park not one exclusively associated with equestrian activities (and, in fact, it would be difficult to condition such a use). The intention is that the caravan park provides an additional source of income to provide additional financial security for the livery stables. This is to allow for equestrian based holidays where customers arrive with their horse to use the facilities at the centre or to take their horse to equestrian events of trekking trails in the area. It is not envisaged that trekking will take place along roads around the site nor will it be encouraged. The applicant also intends to have horses for rent as well as a horse box, and towing vehicle, as required. Attention is drawn to a centre near Easingwold which offers equestrian based holidays.

4.21 Given this information about the operation of the site, it would seem likely that there is potential for significant numbers of large vehicles (horse boxes, trailers, motorised horse box/ accommodation) parked on the site in addition to the caravans and associated towing vehicles. The addition of large numbers of vehicles associated with the equestrian centre will intrude in the landscape and, as a result of their scale, these vehicles will be difficult to screen with the proposed new planting. Officers are not convinced that these vehicles can be accommodated on site without considerable harm to the character of the landscape.

4.22 The applicant also drew attention to the supporting text of policy V5 which states '*Although the majority of the local plan area is designated as Green Belt, it is considered that small-scale proposals for touring caravans or tents which do not involve the erection of permanently sited ancillary buildings other than toilets/ washrooms and site offices are unlikely to compromise Green Belt objectives and may be acceptable provided that they meet other criteria in policy V5*'. They contend that the proposal meets all the criteria of V5 and as the caravan park will be located on the site of permanent buildings, the impact on the openness of the Green Belt will be positive, or at worst neutral. The caravan park will be closed from November to March further reducing the impact on openness.

4.23 Officers do not contend that the proposal is contrary to policy V5 however it will fail to meet one of the five purposes of the Green Belt in that it will not safeguard the countryside from encroachment. Para. 4.14 above clarifies this and officers would reiterate that the additional information provided by the applicant only confirms the

number of vehicles, horse boxes, trailers and caravans which would potentially be parked on the site. The proposed landscape scheme will do little to hide this and, while it is accepted that these are not permanent structures, they will appear alien in the landscape and result in an unwelcome visual intrusion in to this area of countryside which marks the change from the urban area to the more rural and village character of the outer edges of the authority.

4.24 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 touring caravans 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 touring caravan pitches in the locality but has relied on the argument that they intend to target a specialist market for equestrian tourism without any evidence to lend weight to their proposals.

4.25 Since the April committee meeting the applicant has been undertaking research to provide the requested information about the viability of the proposed business. Officers have now received detailed estimates to indicate a possible income of £242,970 per annum from the livery business and £53,985.69 per annum from the caravan park (based on April – October opening). They estimate an initial capital cost (setting up of the business) of £156,277 with annual running costs of £132,000. The annual pre-tax profit is therefore estimated to be in the region of £165,000. Officers have considered the figures, and while noting that the majority of the figures are based on assumptions and estimates, accept that they appear reasonable. The applicant has talked to other similar businesses to come to the figures provided and have provided full details of their workings. The detailed financial figures are not published in the report, but have been considered by Officers, who conclude that the figures represent a reasonable assumption as to profit. However, such detailed figures have been kept confidential at the request of the applicant for commercial reasons. Members can request sight of the figures from Officers if required, but should note that they will be under a duty to maintain confidentiality and not disclose the information outside the Council or within the Planning Committee Meeting.

4.26 Officers note that the majority of the income of the business (approximately 80%) will come from the livery business and, even if the caravan pitches were not available, the site would still turn a profit of £111,000 (without adjusting costs). From this it would appear that the business would still remain profitable without the caravan pitches. It is also noted that out of 60 stables only 5 are indicated as being provided for visiting horses which would suggest that the equestrian holidays suggested by the applicant as a business model are not considered likely to be the mainstay of the business.

4.27 The other question raised at the 20th April committee was whether other more acceptable forms of development in the Green Belt had been considered. The applicant has provided a statement noting that the Green Belt designation effectively limits use of the site to recreational use and/or re-use of the existing buildings. Para. 89 and 90 of the NPPF list the types of development considered not inappropriate in the Green Belt. From this list the applicant has identified that outdoor sport and recreation uses are acceptable (as confirmed by this application); mineral extraction; and local transport infrastructure. They have noted that the proximity of the River Foss and local residential development are likely to make mineral extraction an unacceptable form of development in this location and that there is no apparent demand for local transport infrastructure, i.e. Park and Ride sites.

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 more 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 an otherwise 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 which include the proposal being within the existing development footprint; it is less visually impactful development than the current use; a reduction in noise and smell disturbance to nearby residents; farm diversification and assisting tourism; and retaining a viable business for the owners. Additional information has been provided following the committee meetings of 23rd March and 20th April 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 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 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 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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