

CYGB3 - Reuse of buildings

CYV5 - Caravan and camping sites

3.0 CONSULTATIONS

INTERNAL:-

3.1 Public Protection raises no objection to the proposal.

3.2 Strategic Flood Risk Management - was consulted with regard to the proposal on 28th November 2016. Any comments received after publication of the agenda will be reported to Committee.

3.3 Highway Network Management - raises no objection to the proposal as amended.

3.4 Public Rights of Way (PROW) - was consulted with regard to the proposal on 15th December 2016. Any comments received after publication of the agenda will be reported to Committee

3.5 Planning and Environmental Management (Ecology) - raises no objection to the proposal subject to any permission being conditioned to require the control of the type and hours of external illumination.

EXTERNAL:-

3.6 Wheldrake Parish Council objects to the proposal on the grounds of it being inappropriate development within the Green Belt.

3.7 Yorkshire Water Services Limited was consulted with regard to the proposal on 28th November 2016. Any comments received after publication of the agenda will be reported to Committee.

3.8 One letter of support has been received from a neighbouring camp site operator.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the open character and purposes of designation of the Green Belt.
- Impact of the proposal upon local habitat and biodiversity.

- Impact upon the safety and convenience of highway users on the local highway and public rights of way network.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN 2005 (4th SET OF CHANGES):-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that any weight is limited except where in accordance with the National Planning Policy Framework.

STATUS OF THE EMERGING LOCAL PLAN:-

4.3 The (Emerging) Publication Draft York Local Plan (2014) is currently not progressing through its statutory consultation. At the present early stage in the statutory process the emerging Local Plan policies carry only very limited weight (here relevant and in accordance with the terms of the National Planning Policy Framework). The evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

The NPPF is the most up to date representation of key relevant policy issues and the proposal should principally be assessed against this policy Framework.

PLANNING POLICY CONTEXT:-

4.4 GREEN BELT:- The general extent of the York Green Belt is defined within saved Yorkshire and Humberside RSS Policies YH9C and YIC as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies. Central Government Planning Policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 88 provides when considering a planning application Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very Special Circumstances" will not exist unless the potential harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Policy GB1 of the (Emerging) Publication Draft Local Plan is also relevant in this respect.

4.5 LOCAL HABITAT AND BIODIVERSITY:- Paragraph 118 of the National Planning Policy Framework indicates that in granting planning permission Local Planning Authorities should ensure that where significant harm resulting from a development can not be avoided adequately mitigated or as a last result

compensated for then planning permission should be withheld. Policy G12 of the (Emerging) Publication Draft Local Plan is also relevant in this respect.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE GREEN BELT:-

4.6 The application site comprises modestly sized paddock lying directly to the west of the farmstead at the furthest extent of the metalled section of Benjy Lane. There are a series of isolated farmsteads together with a livery stable and a nursery strung out along the Lane but not forming a clear settlement pattern as such. The surrounding landscape is gently rolling with a mix of small and medium sized fields with the traditional pattern of field boundaries separated by mature trees and lengths of hedgerow. The farmstead itself is low rise and brick built occupying a modest physically discrete area.

4.7 The proposal envisages the erection of three former corrugated iron grain bins for use as camping lodges within a clearly defined curtilage which is presently agricultural in nature. The grain bins by virtue of the works required to render them capable of occupation including the provision of window and door openings and associated external lighting together with the erection of domestic paraphernalia within the associated curtilage would fundamentally alter the character of the locality and extend the built foot print of the farmstead into open countryside. Paragraphs 89 and 90 of the National Planning Policy Framework outlines a number of types of development both operational and material changes of use which are felt to be appropriate in the Green Belt providing they do not harm its openness and do not conflict with the purposes of including land within Green Belt. Caravan and camp sites per se are not included within this and therefore are by definition harmful to the open character of the Green Belt. The category within paragraph 89 of appropriate buildings for recreational use providing there is no harm to the open character of the Green Belt is not relevant in this case because it may be argued that camping and caravanning is not of itself a recreational activity although recreational activities may take place alongside it. It may also clearly be argued that the relocated grain stores subject to heavy alteration to enable them to be occupied along with the construction of a formalised curtilage with associated paraphernalia would in any case result in severe harm to the open character of the Green Belt.

4.8 The applicant has amended the scale and layout of the proposal to ensure that the prepared curtilage is lesser in extent and the impact upon openness is thereby correspondingly less. The site would also now be accessed via the farmyard rather than from the extension to Benjy Lane which would similarly lessen impact upon openness. However, the proposal would continue to represent the introduction into open countryside of an alien level of noise and disturbance which would be fundamentally harmful to which significant weight should be afforded.

4.9 As the proposal constitutes inappropriate development in the Green Belt the Applicant must demonstrate that other considerations clearly outweigh the harm by reason of inappropriateness together with any other harm in order to amount to "very special circumstances". The submitted application details make no reference to the site being located within the Green Belt and the inappropriate nature of the development. A "snapshot" report of conditions within arable farming over the whole country has however been submitted to evidence a need to diversify the activities taking place at the holding and within the submitted Design and Access Statement viability issues are alluded to with reference to the land only being Grade 3 and therefore of average quality in terms of crop production. It is also indicated that the holding is part tenanted and part owner occupied with the owner occupied section being purchased recently and differences of opinion with the principal landowner over husbandry matters in respect of the tenanted part of the holding.

4.10 The submitted information indicates financial pressures on arable producers in a general sense but it does not amount to a case for "very special circumstances" in respect of the holding itself as would be expected and other potential less harmful avenues are highlighted within arable husbandry. Whilst viability issues are highlighted in respect of the farm no specific detail is given and a less harmful conversion of the existing buildings within the farmstead is specifically ruled out and it is also clear that the decision to invest in purchasing the holding is a recent one. Further information has subsequently been submitted highlighting a concern in terms of the balance of viability between the two elements of the holding and potential difficulties in respect of the inheritance of the tenanted element of the holding. Whilst this is clearly a concern it is not felt to amount to a reasonable case for "very special circumstances" within the requirements of paragraph 88 of the NPPF. The proposal is therefore felt to be by definition harmful to the Green Belt and there are no other considerations that clearly outweigh the harm to the Green Belt. The proposal therefore conflicts with the NPPF Green Belt policies.

IMPACT UPON LOCAL HABITAT AND BIODIVERSITY:-

4.11 The application site comprises an area of long established pasture directly to the west of the farmstead bounded by the traditional form of field boundary with a mature hedge in native species incorporating individual mature trees. A detailed habitat survey has been submitted as part of the amended proposal. This shows the presence of a series of ponds within 500 metres which may be suitable for Great Crested Newt habitat. However, the nature of the grazing regime within the application site is such that it is unlikely that it may be used for newt foraging and the quality of the habitat is not such as to justify SINC status. Providing any permission is conditioned to control lighting location and type to safeguard bat foraging habitat then the proposal is felt to be acceptable in ecological terms.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS IN THE LOCALITY:-

4.12 The proposal as submitted envisaged the formation of a vehicular access with associated parking directly from the public bridleway that continues Benjy Lane. The proposal as amended, envisages that the proposal be accessed via the existing farmyard from the adopted section of Benjy Lane. This is now felt to be appropriate in highway terms.

5.0 CONCLUSION

5.1. The proposal is seen as necessary by the applicant as a means of farm diversification to offset the impact of declining farm incomes and a report examining trends in arable farming has been submitted in support. Further information has subsequently been submitted indicating concern in respect of the balance of viability between the tenanted and owned elements of the holding and the transferability of the tenanted element of the holding. The scheme has also been amended to lessen its impact upon openness. However it is not felt that the submitted justification amounts to a viable case for "very special circumstances" that would clearly outweigh any harm by reason of inappropriateness and any other harm as required by paragraphs 87 and 88 of the NPPF and that planning permission should be refused

6.0 RECOMMENDATION: Refuse

1 The application site is within the general extent of the Green Belt as set out by Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. The proposal by virtue of its design, layout, location and purpose would be by definition inappropriate development within the Green Belt, contrary to paragraphs 79 and 80 of the National Planning Policy Framework and giving rise to very substantial harm to its characteristic openness. No case has been demonstrated that would amount to "very special circumstances" that would clearly outweigh any harm by reason of inappropriateness and any other harm caused by the development. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

7.0 INFORMATIVES:

Notes to Applicant

1. 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 (paragraphs 186 and 187) 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:

The preparation and submission of a detailed case for "very special circumstances" that would outweigh any harm by reason of inappropriateness and any other harm.

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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