

## COMMITTEE REPORT

**Date:** 15 November 2018      **Ward:** Rural West York  
**Team:** Major and Commercial Team      **Parish:** Hessay Parish Council

**Reference:** 18/01023/FUL  
**Application at:** Mapplefields, 5 Laburnum Farm Close, Hessay, York, YO26 8LG  
**For:** Erection of stables in paddock  
**By:** Mr Andrew Tullie  
**Application Type:** Full Application  
**Target Date:** 19 October 2018  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 Planning permission is sought for 4 box pitched roof brick and tile stable block within an orchard/private grassed amenity area. No planning permission has been sought for the change of use of the grassed area for equestrian use. The applicant and agent have confirmed that they do not currently have horses/ponies however there is the intention to buy one horse/pony. Access to the site would be from Laburnum Farm Close

1.2 The proposed stable block would measure 16.4 metres by 8.7 metres the roof ridge would be 4.77 metres in height not including the clock tower and ventilation towers (total height 5.6 metres in height), there would be a covered walkway. It is unclear the surfacing of the area to the front/east of the stables. Each box would measure 3.85 metres by 6 metres. Two of the boxes are labelled for food, tack etc. The external finish to the proposed stables would be brick and timber cladding and rosemary tiles for the roof. No details have been provided for the parking of equestrian vehicles or the siting of the manure heap.

1.3 The site is within the general extent of the greenbelt. The site is within Flood Zone 1

1.4 Relevant Planning History

- 02/03698/FUL - Erection of 9 dwellings with associated access road, garages and parking - Approved

### 2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

- CYPSP2 The York Green Belt

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- CYGP1 Design
- CYGP4A Sustainability
- CGP15A Development and Flood Risk
- CYGB1 Development within the Green Belt
- CYGB13 Sports facilities outside settlements

## 2.2 The Publication Draft York Local Plan

- SS2 The Role of York's Green Belt
- D1 Placemaking
- D2 Landscape and Setting
- D6 Archaeology
- D7 The Significance of Non-Designated Heritage Assets
- GB1 Development in the Green Belt
- GB2 Development in Settlements within the Green Belt
- ENV2 Managing Environmental Quality
- ENV5 Sustainable Drainage

2.3 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).

2.4 Please see the Appraisal Section (4.0) for national and local policy context.

## **3.0 CONSULTATIONS**

### **INTERNAL CONSULTATIONS**

#### HIGHWAY NETWORK MANAGEMENT

3.1 Do not envisage any implications to the highway network as a result of the proposed development.

#### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.2 No objections.

#### FLOOD RISK MANAGEMENT TEAM

3.3 Object, on the lack of information. It has not been demonstrated that the site can be adequately drained.

### **PUBLIC PROTECTION**

3.4 No objection, request condition to restrict the hours of construction.

## **EXTERNAL CONSULTATIONS/REPRESENTATIONS**

### **HESSAY PARISH COUNCIL**

3.5 Object - the size and scale of the proposed development compared with the area of the paddock and the footprint of neighbouring properties.

3.6 The development would be in the Green Belt and no very special circumstances have been justified.

3.7 The development extends beyond the existing building line.

### **AINSTY INTERNAL DRAINAGE BOARD**

3.8 The applicant requires prior consent from the Board for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

3.9 The proposed development will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained. The intention is to dispose of the surface water via a soakaway. However the supporting information advises that should soakaways prove ineffective the surface water will discharge to "a drain to the north of the site". The Board is unclear regarding the nature, location, condition and ownership of the "Drain" that the applicant intends to discharge into. The Board advise that the applicant provide full details regarding the drain they intend to connect to including evidence of any necessary permission(s) and where that asset discharges to. The applicant would need to demonstrate that the site already drains to that facility. Where a connection to a watercourse is proposed then, in order to reduce the risk of flooding, the Board would want the rate of discharge constrained at the "greenfield" rate (1.4 l/s/ha), plus an allowance for any "brownfield" areas of the site which are currently impermeable (at the rate of 140 l/s/ha) less 30%. With storage calculations to accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm event. All calculations should include a 20% allowance for climate change.

3.10 No objection to the development in principal but recommends that LPA require the applicant to provide a satisfactory drainage strategy and obtain any necessary consent before any approval is granted.

## **PUBLICITY AND NEIGHBOUR NOTIFICATION**

### 3.11 Two Representations of Objection

- The development is within the green belt and does not meet any of the permitted exceptions. The 'private benefit' of the building does not outweigh the requirements of the Very Special Circumstances remit.
- The size and scale of the proposed building compared with the area of the paddock and footprint of neighbouring properties. This will have a significant impact on the openness of the greenbelt and could be viewed from a number of properties within the village. The size of the stables would mean they will be clearly visible from a number of properties within the village on both Laburnum Farm Close and also New Road and have an impact on both the view and light for those properties.
- The Laburnum Farm Close estate was intended as area of 'private dwelling' according to the covenants surrounding the properties, the addition of stables changes the land use from residential to agricultural due to the addition of animals which are not domestic (only domestic animals were intended when the original estate was developed according to the covenants).
- The additional traffic caused by proposed development will wear out the private roadway of Laburnum Farm Close at a more rapid rate than existing. This is funded and controlled by a number of homes under a management committee agreement and therefore bring additional costs. The increase in traffic will result in noise pollution in an area where there is a low base level of noise currently. This will also cause changes to the residential amenity of the area due to the changes in character of Laburnum Farm Close and surrounding area.
- The properties within the cul de sac are all within the original land footprint. Visually this is appealing from all angles including from the bungalows situated along New Road. The addition of the stables will compromise the visual appearance of the land footprint from all sides. The stables, while largely hidden from view of Maplefields will be in clear view of objectors property. It will impact upon the 'openness' of the green belt.
- The building would extend the village beyond its current footprint, outside of the current agreed building lines. The building would set a precedent for large scale buildings in other paddocks, which in time will change the character of the village.
- There is no identified plan for manure disposal. This would need to be considered from a health perspective but also from additional traffic required to meet this need.
- The inclusion of stables within the 'estate' is very likely to require use of and parking of commercial vans, trailers and other vehicles.

## 4.0 APPRAISAL

## KEY ISSUES

- Planning policy
- Green belt
- Design and landscape considerations
- Impact to residential amenity
- Highways
- Drainage
- Consideration of very special circumstances

## ASSESSMENT

### PLANNING POLICY

4.1 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.

### Publication Draft York Local Plan (2018)

4.2 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).

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

4.4 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.

4.5 The NPPF sets out the presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 11 does not if specific policies in the NPPF indicate development should be restricted.

#### Draft Development Control Local Plan (2005)

4.6 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP 2005). 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.

#### OPENNESS AND PURPOSES OF 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 proposed development is out with the Hessay settlement envelope shown in the proposal maps of the DCLP (2005). The 2018 Draft Plan does not make any such allocation and allocates the site as Green Belt.

4.9 The site was not identified in The Approach to the Green Belt Appraisal (2003) which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. However, whilst this document

identifies key important areas, which do not include this site, it leaves large areas of countryside as similarly not being of particular importance and it does not set out that all that remaining land within the extent of the Green Belt is necessarily suitable for development or that it has no Green Belt purpose.

4.10 When the site is assessed on its merits it is concluded that whilst the York Green Belt has not yet been fully defined the site serves a number of Green Belt purposes, including assisting in safeguarding the countryside from encroachment. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF (2018).

4.11 The application site and land to the east and west were not included with the red line of the location plan and development of planning permission 02/03698/FUL. As such it is not considered to be residential garden, and neither does it have the appearance of a garden. Its last known use is as agricultural land. Therefore any other use would require planning permission.

4.12 NPPF paragraph 145 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of listed exceptions, including "the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments: as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it". Whilst stables could potentially fall within 'appropriate facilities' the proposed development by virtue of its scale together with the applicant confirming they do not currently own a horse, and their intention is to have only one horse, it is considered the proposed stable block is not 'appropriate facilities'. The current use of the land is not for equine purposes and neither has an application for a change of use of land to equestrian use been received.

4.13 Even if the proposed stable block was considered to be 'appropriate facilities', it would not fall within the exception in NPPF paragraph 145 as it does not preserve the openness of the Green Belt and it conflicts with the purposes of including land within the Green Belt.. The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The concept of 'openness' in this context means the state of being freed from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. The proposed development would result in an increase in the built form and a coalescence of development and encroachment of development into the Green Belt therefore resulting in harm to the openness and permanence of the greenbelt.

4.14 The proposed building therefore is inappropriate development in the Green Belt. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Additionally, the proposal would result in harm to the openness and permanence of the Green Belt. It also conflicts with the Green Belt purposes of preventing encroachment into the countryside and coalescence of development.

4.15 The NPPF states that 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 to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether very special circumstances exist is assessed at paragraphs 4.28 to 4.29 below.

## DESIGN AND LANDSCAPE CONSIDERATIONS

4.16 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The advice in Chapter 7 is replicated in Draft Local Plan (2005) Policy GP1 (Design) and D1(Placemaking) of 2018 Draft Plan and, therefore, these policies are considered to accord with the NPPF. The policies require new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials

4.17 Hessay is predominantly a linear village with a primary frontage, where development is set further back this is the result of the redevelopment of farm complexes. The proposed pitched roof stable block would be constructed of bricks with timber boarding above with a rosemary tile roof with rooflights and a clock tower and ventilation towers. The proposed stable block would measure 16.4 metres by 8.7 metres, the roof ridge would be 4.77 metres in height (total height 5.6 metres in height with the clock tower and ventilation towers), and there would be a covered walkway. The extent of the proposed surfacing is unclear. Each box would measure 3.85 metres by 6 metres. The DEFRA minimum stable size recommendations are as follows: horses 3.35m x3.65m, large horses 3.65m by 3.65 x4.25m, ponies 3.05m x3.05m, large ponies 3.05m x3.65m, foaling box 4.25m by 4.25m.

4.18 The height, design, scale, and massing of the proposed building appears to be excessive for the proposed use and it would appear incongruous in this location, particularly as it would be relatively detached from the natural settlement envelope. In addition the parking of equine trailers, muck heaps, hay/straw storage (It is unlikely that the allocated stable would be used for this purpose given that the typical size of round bales) etc that would result from the proposed stable block would further impact the openness and permanence and visual amenity of the greenbelt.

4.19 The proposed building would be visible from the nearby dwellings but would also be partially visible from New Road (to the north of the village) and Main Street (to the west of the village). In allowing the development in this location there would

be the issue of precedent and would open up similar/neighbouring backland sites within the village to development, and the resulting alteration in character and impact on openness.

4.20 No lighting has been proposed as part of the application. However it is likely that this would be required and this would result in illumination beyond the natural pattern of development of the village and would be atypical and out of character.

4.21 Setting aside that the land does not have planning permission for an equestrian use and there is no record of it being applied for, the applicant has advised this is their only land. It has been confirmed that whilst the applicant does not currently own any horses/ponies, they intend to have one horse, although the supporting information states 2 potential horses. The supporting information would seem to indicate a personal use. The proposed building is considered to be of an excessive scale for one (or two) horses.

4.22 The DEFRA guidance for keeping horses sets out that one horse would require 0.5 - 1.0 hectares of grazing of a suitable quality if no supplementary feeding is being provided. The amenity land remaining once the stables and yard has been removed is 0.14ha, well below the guidance. If supplementary food was brought on the land there are still concerns that the space would not be sufficient to allow for the pasture management that would be required.

## DRAINAGE

4.23 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan Policy GP15a (Development and Flood Risk) and Publication Draft York Local Plan (2018) Policy ENV5 (Sustainable Drainage) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced.

4.24 The supporting information states they intend to dispose of surface water via a soakaway however no evidence has been submitted to indicate that they would work in this location. The supporting information states that if a soakaway is not feasible they would discharge the surface water to a ditch to the north of the site. No information has been received of the intended discharge rate. The Internal Drainage Board has advised that they would have demonstrate that the site already discharged to this ditch and the surface water would have to be discharged at a low flow rate, no information has been submitted. The applicant has not demonstrated that practical technical solution is available. As such no adequate surface water drainage system can be demonstrated. These matters are fundamental to the proper drainage of the site and, if planning permission were to be granted, should not be left to be dealt by planning conditions.

## HIGHWAYS

4.25 The proposed building would be accessed an existing access. The Highways Network Management Team have confirmed that have no objections to the proposed access.

## RESIDENTIAL AMENITY

4.26 The proposed would result in an increase of vehicular comings and goings to the site (food, bedding, manure removal, moving of potential horse), however it is not considered that this would result in undue disturbance and harm to the neighbouring amenity as to warrant refusal.

4.27 The land to the east and west of the site has previously been used as agriculture. The application site is close to a number of residential properties to the south. The proposed stables would be set 27 metres from the closest dwelling (4 Laburnum Farm Close) and 6 metres from the garden boundary. Public Protection has not expressed concerns regarding the proximity and the distance is considered to be sufficient to prevent harm to the residential amenity of the occupants of the nearby dwellings. However no details have been supplied of the where the manure would be sited however this could be sought via condition to ensure that it is a sufficient distance from the neighbouring dwellings and garden areas.

## VERY SPECIAL CRICUMSTANCES - ASSESSMENT OF OTHER CONSIDERATIONS

4.28 Paragraphs 143-144 of the NPPF advise that permission should be refused for inappropriate development in the Green Belt unless other considerations exist that clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm, so as to amount to very special circumstances. Substantial weight is to be given to any harm to the Green Belt.

4.29 The applicant/agent has not put forward any considerations in favour of the development to clearly outweigh the identified harm to the Green Belt and other harms. Therefore, in light of the lack any benefits of the development identified by the applicant or by officers that would either individually or collectively clearly outweigh these harms, the very special circumstances necessary to justify the proposal do not exist.

## 5.0 CONCLUSION

5.1 The application site is located within the general extent of the York Green Belt and serves at least three of the Green Belt purposes. As such it falls to be considered under paragraph 143 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist

unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

5.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness, and that the proposal would undermine the Green Belt purposes of preventing encroachment into the countryside and coalescence of development. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual amenity and character and lack of adequate surface water drainage, identified in this report.

5.3 It is not considered that there are countervailing benefits arising from the proposal that clearly outweigh these harms so as to amount to very special circumstances necessary to justify an exception to Green Belt policy.

## **6.0 RECOMMENDATION: Refuse**

1 The application site is within the general extent of the Green Belt as set out in Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 145 of the National Planning Policy Framework it is considered that the proposed development constitutes inappropriate development which, according to Section 13 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, and is harmful to the openness of the Green Belt. The Local Planning Authority has concluded that there are no other considerations that clearly outweigh the harm to the Green Belt and other harms (harm to the character and visual amenity, lack of adequate surface water drainage) when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 13 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) and Publication Draft York Local Plan (2018) Policy GB1 (Development in the Green Belt).

2 It is considered that the proposal would increase the dominance and presence of the built form on the land. The proposal by virtue of its relatively detached backland location would result in an incongruous form of development at odds with the prevailing linear character of the village. The proposed development would be visible from public realm and would be area to the detriment of the visual amenity and character of the village. As such, the proposal would fail to respect the

character of the area and fails to take the opportunities available for improving the character and quality of an area and would not respect or enhance the local environment, and therefore would conflict with contrary to Section 12 of the National Planning Policy Framework and Policy GP1 of the City of York Draft Development Control Local Plan (Approved April 2005) and Policies D1( Placemaking) and D2 (Landscape and Setting) of the Publication Draft City of York Local Plan 2018 which similarly expects proposals to respect or enhance the local environment.

3 Insufficient information has been submitted with the application to demonstrate that an acceptable means of surface water drainage can be achieved in this location. As such the proposed development would conflict with paragraph 163 of the NPPF which states that Local Planning Authority should ensure that flood risk is not increased elsewhere. In addition, by virtue of the lack of information the proposal conflicts with Policy GP15a (Development and Flood Risk) of the City of York Development Control Local Plan (2005), Policy ENV5 (Sustainable Drainage) of the Publication Draft York Local Plan (2018) and Section 4.1.c of the City of York Council Strategic Flood Risk Assessment (2013).

## **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:

- Written to the applicant to explain the planning status of the site
- Requested further information

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

### **Contact details:**

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347