

COMMITTEE REPORT

Date: 17 March 2016 **Ward:** Wheldrake
Team: Major and **Parish:** Deighton Parish Council
Commercial Team

Reference: 15/02343/FULM
Application at: Cockey Hill Farm Wheldrake Lane Cockey Hill York YO19
4SN
For: Siting of 6no. holiday lodges, car park and wildlife pond
together with landscaping works following change of use of
agricultural land (resubmission)
By: Mr Gary Cooper
Application Type: Major Full Application (13 weeks)
Target Date: 29 March 2016
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application seeks full planning permission for the change of use of an area of agricultural grassland to allow the siting of six holiday lodges centred around a pond to be created as part of the development. The piece of land, totalling 1 hectare, lies to the south of Wheldrake Lane, immediately west of Spindle Cottage. Associated visitor parking for 8no. vehicles and both hard and soft landscaping is proposed. Vehicle access to the lodges would be via the existing entrance from Wheldrake Lane, which serves AG Motors. Pedestrian access would be via a gate in the hedgerow to the west of the visitor parking area or via a pedestrian gate to the west of the lodges, that leads to the adjoining parcel of land, itself accessed from an existing field gate from Wheldrake Lane, close to its junction with the A19. This additional area of land, noted on the drawings as a former quarry, is not included in the application redline boundary.

1.2 The external finish of the lodges is anticipated to be timber for the walls, windows and doors, with a non-reflective surface for the roof. Additional native species tree and hedge planting is proposed to provide enhanced visual and acoustic screening. Permeable crushed hardcore is proposed for the vehicle parking area and Grass Tech (or similar product) for the maintenance tracks to the lodges. Waymarker lighting is proposed for around the site as well as lights to indicate each lodge. Foul sewage would be dealt with by a package treatment plant and surface water disposed of via a soakaway.

1.3 The application is supported by a planning statement, phase 1 desk study and ecological assessment. In particular, the planning statement confirms that the site is just over 2 hectares in area and that the proposal is for the purposes of agricultural diversification. It explains the proposal and summarises pre-application discussions and consultations as well as the key planning issues. In conclusion, it justifies the

proposal as being agricultural diversification, making use of an otherwise redundant piece of agricultural land, which would positively contribute to the tourist economy through the provision of high quality visitor accommodation. It would create jobs, increase biodiversity, enhance the appearance of the countryside and provide a recreational facility for local residents and visitors. It considers that the area would remain largely open as the holiday cabins cover less than 2% of the total ground area of the site. The scheme is considered to be sustainable and accessible and, due to the limited number of cabins, would not affect residential amenity, drainage or local facilities.

2.0 POLICY CONTEXT

2.1 Policies:

1. Yorkshire and Humber Regional Spatial Strategy - Green Belt policies YH9(C) and Y1 (C1 and C2))

2. National Planning Policy Framework (March 2012)

3. 2005 Draft York Local Plan (4th set of changes). Relevant policies include:

- GB1 - Development within the Green Belt
- GP1 - Design
- GP3 - Planning against crime
- GP4A - Sustainability
- GP9 – Landscaping
- GP14 – Agricultural Land
- GP15A - Development and Flood Risk
- HE10 – Archaeology
- NE1 - Trees, woodlands, hedgerows
- NE6 - Species protected by law
- T4 - Cycle parking standards
- V1 – Visitor related development
- V5 – Caravan/camping

4. Draft York Local Plan (2014) Publication Draft – relevant policies include:

- DP2 – Sustainable Development
- SS2 – The Role of York's Green Belt
- D1 – Landscape and Setting
- D7 - Archaeology
- G14 – Trees and Hedges
- GB1 – Development in the Green Belt
- ENV4 – Flood Risk

- T1 – Sustainable Access
- EC6 – Rural Economy

3.0 CONSULTATIONS

PUBLICITY

3.1 The application was publicised by means of a site notice.

PLANNING AND ENVIRONMENTAL MANAGEMENT

(i) Archaeology

3.2 The application site lies in close proximity to two sites of archaeological interest: Myer Croft (MYO91) and Crockey Hill Post Medieval Buildings (MYO92). Both are mentioned in the A History of the County of York East Riding: Volume III, also available online at British history online:

- MYO91: Myer Croft is mentioned as a rabbit warren that was 'replenished with coneyes' in 1619. A house lay in the warren.
- MYO92: Crockey Hill Post Medieval Buildings were mentioned as houses situated in the NW corner of the north closes in 1619.

3.3 Approximately 1km to the north-west a series of complex crop-marks recorded on aerial photographs that indicate the existence of a well-developed late-prehistoric and Romano-British landscape. This landscape consists of fields, enclosures and remains of settlement including round-houses. It is likely that this landscape extends through the application site. The application site is therefore of archaeological interest and an archaeological watching brief on all groundworks will be required. Requests ARCH2 be imposed on any consent that is granted for development on this site.

(ii) Ecology

3.4 The Ecological Assessment was undertaken by MAB Environment and Ecology Ltd, in September 2013 and, therefore, the information is now over two years old. The officer visited the site on 22nd February 2016 and found that conditions on site remain the same and, therefore, the findings of the Ecological Assessment can be considered still valid.

3.5 The proposals on the east of the site do not appear to have changed since the previous two applications and, therefore, previous comments made on the application still apply. However, this application differs as the west of the site, for which there was a proposal to include a wildlife area, is now excluded from the application.

3.6 The site contains species poor acid grassland. The area where the lodges are to be located was found to be more improved and is managed as short mown grassland. There are no objections to this proposal on grounds of ecology.

3.7 To maximise the new pond's value for wildlife guidance from the Freshwater Habitats Trust on pond creation should be followed. Often it is best to let ponds naturally colonise with plants, however if planting is used it is important that invasive non-native species such as new zealand pigmyweed (*Crassula helmsii*) and floating pennywort (*Hydrocotyle ranunculoides*) are not used.

3.8 Requests condition requiring locally native plant species for creation of semi-natural habitats if the application is approved.

PUBLIC PROTECTION

3.9 Contaminated Land - Due to the proposed site being a change of use from agricultural land to holiday lodges it is possible that contamination may have occurred historically. A condition should be placed upon any approval granted.

3.10 Air Quality and Emissions - In accordance with paragraph 35 of the NPPF and the Council's Low Emission Strategy (October 2012), a condition requiring the installation of an electric vehicle charge point is requested.

ENVIRONMENT AGENCY

3.11 Under the Development Management Procedure Order (DMPO), the Agency is only a statutory consultee on non-mains foul drainage proposals for major development. For this reason, no detailed comments are made, but the agency strongly advises that the LPA satisfies itself that the proposal complies with the requirements of the Planning Practice Guidance and the Environment Agency's Pollution Prevention Guidance Note 4. You may wish to consult with your Environmental Health team for further guidance.

3.12 In addition, the applicant may also require an Environmental Permit from the Environment Agency for water discharge activity and are advised to contact the Agency's National Permitting Service.

OUSE AND DERWENT INTERNAL DRAINAGE BOARD

3.13 The Board would like to mitigate any negative impact that may arise from development as the Board maintained watercourses in the vicinity of the site are currently running at capacity. Affirms that, where practicable, the risk of flooding should be reduced and surface water emanating from the site should be managed in a sustainable manner. The application states the intention to use a soakaway to dispose of surface water and the Board recommends that the viability of any soakaway should be tested using BRE Digest 365 guidelines to ensure that all

surface water is captured in a 1:30 rainfall event and that no overland flow or inundation of buildings occurs during a 1:100 rainfall event. If the test proves unsuccessful, the applicant should produce a design of soakaway for further consideration by the LPA. If unsuccessful, the applicant must produce an alternative strategy. The Board seeks assurance that the proposed pond will have the capacity to accommodate flows in a 1:100 year event. The applicant also has stated the intention to use a Package Treatment Plant and the Board wishes to ensure that no contaminant or uncontrolled flows enter the surface water drainage system as a result of this development. Requests conditions.

DEIGHTON PARISH COUNCIL

3.14 No objections are raised, but the Parish Council is mindful of the questions and responses to/from Mrs Lisa Elletson regarding signage, vehicle use/lights out of hours and noise levels, as well as the number of responses given in support of this application.

LOCAL RESIDENTS

3.15 Letter of support from resident at Fieldside House on Wheldrake Lane for following reasons:

- the application can only enhance the area;
- traffic entering and exiting the area would not be a problem as after the initial rush hours the road is relatively quiet.

3.16 Letter of objection on behalf of resident of Westfield, Wheldrake Lane, on following grounds:

- concerned about impact on volume of traffic in Wheldrake Lane and increased flow of traffic gaining access to and from the site as it can be difficult to see oncoming traffic from this access when the sun is low in the sky.

4.0 APPRAISAL

KEY ISSUES

4.1 The key material considerations relevant to the determination of this application are as follows:

- principle of development;
- Green Belt policy;
- Highways, access and parking;
- Flood risk and drainage;
- Nature conservation;
- Pollution;

- Residential amenity;
- Archaeology;
- Other considerations.

LEGISLATIVE CONTEXT

4.2 The Caravan Sites Control and Development Act 1960 defines a caravan as: 'any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted. This definition was added to by Section 13 of the Caravan Sites Act 1968 to include twin-unit caravans, provided that they were composed of not more than two sections designed to be assembled on site by means of bolts or clamps, capable of being transported assembled and no more than 20m long x 6.8m wide with an internal height of 3.05m.

POLICY BACKGROUND

4.3 The development plan for York comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies are YH9(C) and Y1(C1 and C2), which relate to York's Green Belt and the key diagram on page 2014 insofar as it illustrates the general extent of the Green Belt (figure 6.2). The policies require the inner and the rest of the outer boundaries to 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. The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

4.4 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2012). Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. The principles include: seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings; protecting the Green Belt around main urban areas and recognising the intrinsic character and beauty of the countryside; taking full account of flood risk; contributing to conserving and enhancing the natural environment; conserving heritage assets; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

4.5 Section 3 'Supporting a prosperous rural economy' states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Such policies should support the provision of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

4.6 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development, that is indivisible from good planning and should contribute positively to making places better for people.

4.7 Section 9 'Protecting Green Belts' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. These are to check 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. Paragraph 88 states that when considering any 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 to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.8 Section 10 'Meeting the challenge of climate change, flooding and coastal change' offers advice on locating new development to avoid increased flood risk.

4.9 Section 11 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse effects on pollution and land instability.

4.10 Section 12 'Conserving and enhancing the historic environment' requires local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness. It advises consent to be refused where there is substantial harm unless it can be demonstrated that this is necessary to achieve substantial public benefits or where there is less than substantial harm, this be weighed against the public benefits of the proposal.

4.11 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. The policies are listed in section 2.1 above, but those considered to be compatible with the aims of the NPPF and most relevant to the development are: GB1 (Green Belt), GP1 (Design), GP3 (Crime), GP4a (Sustainability), GP15a (Development and flood risk), HE10 (Archaeology), NE1 (Trees, woodlands and hedgerows) and NE7 (Habitat Protection and Creation). Policies V1 and V5 concern visitor related development and the latter, in particular, caravan and camping sites.

4.12 Development Control Local Plan Policy V5 'Caravan/Camping Sites' allows new caravan and camping sites outside settlement limits provided that there are no pitches for static caravans, that the site is associated with an existing settlement and of a compatible scale to the settlement and that there is no adverse effect on the openness of the Green Belt. However, this policy does not accord with guidance within the NPPF and, therefore, no weight can be attached to it.

4.13 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (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. Whilst little weight can be attributed to it, the most relevant of the policies is EC6 which says that York's rural economy will be sustained and diversified through, among other things, permitting camping and caravan sites for holiday and recreational use where proposals can be satisfactorily integrated into the landscape without detriment to its character, are in a location accessible to local facilities and would not generate significant volumes of traffic.

SITE AND PLANNING HISTORY

4.14 The application relates to a piece of agricultural grassland, to the south of Wheldrake Lane, and immediately to the west of Spindle Cottage. It lies to the south of Crockey Hill, a small hamlet centred round the junction of Wheldrake Lane and the A19. This comprises a mix of residential properties and a number of small businesses, including a cafe and farm shop about 500 metres to the north of the site along the A19.

4.15 The site, itself down to grass, has generally well landscaped boundaries. To the south of the site is the AG Motors business, which is accessed from Wheldrake Lane, and beyond it the existing farm business, which is accessed from the A19. The site lies in Flood Zone 1 (low probability).

4.16 There have been two previous planning applications submitted for the erection of six lodges on the land that is subject of the current application.

4.17 The first application (ref. 13/03205/FULM) for the erection of six lodges on the land was withdrawn prior to determination. A pre-application response was provided by the case officer (ref. 12/02928/PREAPP). This raised concern with what was considered to be a relatively sizable development in a small hamlet within the Green Belt, which constituted inappropriate development in the Green Belt. As such, it was highlighted that very special circumstances would need to be demonstrated to outweigh inappropriateness.

4.18 A subsequent application (14/01845/FULM) was refused in 2014 on the grounds of harm to the Green Belt and lack of 'very special circumstances' that would outweigh this substantial harm. The proposal was considered to be contrary

to advice within the National Planning Policy Framework and City of York Draft Local Plan Policies GB1 and V5.

PRINCIPLE OF DEVELOPMENT

4.19 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS state that the detailed inner and rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The Key Diagram of the RSS and the 2005 Draft Local Plan proposals map identify the site within the general extent of Green Belt. The site is considered as having Green Belt status when assessing the merits of the proposed development against the National Planning Policy Framework and Guidance, relevant local plan policies and other material considerations. In accordance with footnote 9 to paragraph 14 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF does not apply in Green Belt locations.

GREEN BELT POLICY

4.20 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Paragraph 80 sets out the five purposes of the Green Belt:

- 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.

4.21 Paragraph 88 of the NPPF establishes that 'substantial weight' should be given to any harm to the Green Belt. Paragraph 87 states that inappropriate development that is, by definition, harmful to the Green Belt, 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.

4.22 In terms of the Green Belt status of the site, the main considerations are:

- whether the proposal constitutes inappropriate development in the Green Belt;
- its effect on the openness of the Green Belt and the purposes of including land within it;

- if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

4.23 The applicant has applied for the change of use of the land to allow the siting of 6 holiday lodges on the basis that the lodges would fall within the definition of a caravan outlined in the Caravan Sites Control and Development Act 1960 and the Caravan Sites Act 1968. The application, therefore, includes both a change of use and operational development including the engineering works involved in the creation of the pond and provision of parking areas.

4.24 Paragraph 90 of the NPPF lists the other forms of development that are not new buildings and that are considered not to be inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These include engineering operations. Whilst there is no specific definition in the NPPF of openness, the courts have considered that it relates to the lack of buildings or development; it is the loss of unbuilt on land that would have a harmful effect on openness.

4.25 Development in the Green Belt is inappropriate unless it is either development falling within one or more of the categories set out in paragraph 90 of the NPPF or is the construction of a new building or buildings that comes within one of the exceptions referred to in paragraph 89. The proposed change of use of the land is inappropriate development in the Green Belt, as it is not included as one of the listed forms of development in paragraph 90. Even if the lodges are considered to be buildings, because of their permanence and connection to the land through services, they would not fall within the exceptions listed in paragraph 89 of the NPPF and as such would be inappropriate development in the Green Belt.

4.26 In light of the above, the proposed change of use of the land to allow the siting of the 6 no. lodges is considered to be inappropriate development in the Green Belt. The engineering operations involved in creating the new pond would preserve openness and would not conflict with the purposes of including land within the Green Belt. However, the additional hard surfacing involved in extending the access and creating the car park onto the agricultural land would erode openness and would involve encroachment into the countryside. The proposal, therefore, constitutes inappropriate development that is, by definition, harmful to the Green Belt for the purposes of the Green Belt policy tests. In accordance with paragraph 88 of the NPPF, substantial weight is given to this harm. 'Very special circumstances' must, therefore, exist that outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm identified below, for the development to be acceptable.

IMPACT ON OPENNESS AND GREEN BELT PURPOSE

4.27 In addition to the harm by reason of inappropriateness, consideration also needs to be given to other harm to the Green Belt. The NPPF states that the essential characteristics of Green Belts are their openness and their permanence.

4.28 The site is part of the open agricultural fields around the cluster of buildings that are Wheldrake Hill Farm. The site is considered to make a positive and significant contribution to the sense of openness and open character of the Green Belt and serves in providing a visual break between the buildings on the farm and the houses on Wheldrake Lane.

4.29 The introduction of the lodges on this land between the existing farm buildings, and the employment buildings within its curtilage, and the houses on Wheldrake Lane would erode the openness of the Green Belt and would add to the sense of encroachment of built form into the Green Belt. Whilst the boundaries of the land are defined by mature native hedges and trees, which contribute to the rural character, the reduced level of cover in the winter months would mean that the development would be more visible in terms of its physical presence and associated lighting, thereby impacting on the open character and visual amenity of the Green Belt. Overall, it is considered that the proposed development fails to protect the essential characteristic of openness or to safeguard the countryside from encroachment, which is one of the five key purposes of including land within the Green Belt as set out in paragraph 80 of the NPPF.

4.30 Therefore, in addition to definitional harm, it is considered that the proposal would result in further harm to the open character of the Green Belt and one of the key purposes for including land within it. Substantial weight is to be attached to the harm to Green Belt.

ACCESS AND PARKING

4.31 The site lies on a public transport route between York and Selby and is a short drive away from the park and ride facility at the Designer Outlet. There is a cafe approximately 500 metres to the north of the site along the A19 as well as a farm shop and there is public house at Deighton to the south along the A19. A cycle track between York and Selby lies to the west, on the opposite side of the A19, at a distance of approximately 3km. Therefore, whilst it is likely due to the nature of the scheme and location of the site that the primary means of transport would be by private car, it is acknowledged that alternative means could be utilised and local facilities, albeit limited, do exist within the locality.

4.32 Vehicles related to the holiday lodges would utilise the existing access from Wheldrake Lane. Occupants of the lodges could also access the site on foot via the existing field opening on Wheldrake Lane and then across the adjoining field to the west of the application site. No objection is raised on highway safety terms. As

such, the proposal is considered to be acceptable in highway terms and officers are satisfied that there would be no additional harm caused.

FLOOD RISK AND DRAINAGE

4.33 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. This advice is reflected in Policy GP15a of the Local Plan.

4.34 The site falls within low risk Flood Zone 1 and is, therefore, not at risk from river flooding. The Internal Drainage Board request conditions if the application is to be approved to cover detailed drainage arrangements. Officers' consider that the proposal is acceptable in drainage terms, subject to the condition. The proposal is considered to be acceptable in flood risk terms and limited weight is attributed to harm from flood risk.

NATURE CONSERVATION

4.35 Section 11 of the NPPF deals with the conservation and enhancement of the natural environment. Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where development would adversely affect Sites of Special Scientific Interest, ancient woodland and European protected sites.

4.36 There are none of the aforementioned designations close to the site that would be adversely affected by the development. An Ecological Assessment, dated September 2013, has been submitted in support of the application. The assessment included the area of the former quarry, which lays outside of the application redline. It highlights that the site includes areas of acid and neutral grassland, which are priority habitats in the City of York Local Biodiversity Action Plan. However, the area of the site where the lodges are proposed is of less interest in terms of biodiversity than the former quarry site, because it has been managed as short mown grassland. The intention of the applicant to enhance biodiversity through the creation of the pond is in line with advice in Section 11 of the NPPF and Local Plan Policy NE7. The pond would offer minor wildlife enhancement of the land due to its size and the close proximity of the lodges around it. As such, officers are satisfied that there is no significant harm to biodiversity nor any further harm to the Green Belt.

POLLUTION

4.37 Section 11 of the NPPF also sets out Government policy with regards contaminated land and pollution. It states in paragraph 120 that new development must be appropriate for its location to prevent unacceptable risks from pollution and land instability.

4.38 The Council's Public Protection Unit request a condition be imposed on any approval due to the potential for contamination from the site's historic agricultural use, which would require further investigation and remediation. A further condition is requested requiring the installation of an electric vehicle charge point, in accordance with paragraph 35 of the NPPF and the Council's Low Emission Strategy 2012. In light of the above, the proposal would not result in any unacceptable risks from pollution and land instability, subject to conditions. There would be no further harm to the Green Belt.

RESIDENTIAL AMENITY

4.39 One of the core planning principles outlined in the NPPF is the need to seek a good standard of amenity for all (paragraph 17) and this is reflected in Local Plan Policy GP1.

4.40 The application has the potential to increase noise disturbance from activity associated with the holiday accommodation, particularly Spindle Cottage, which lies to the east at a distance of approximately 29m and has windows in its side elevation facing the site of the proposed lodges. There is an existing established hedge between the cottage and the site and it is indicated in the application that additional planting within the site along the entire length of boundary of the curtilage of Spindle Cottage. The separation distance and the planting belt would help to lessen any adverse impact on the amenity that the residents of Spindle Cottage can reasonably expect to enjoy. The existing field enclosure along the northern boundary with Wheldrake Lane is also proposed to have a row of trees planted along its inner length. Details of the new planting would have to be covered by condition. The environment created around the holiday lodges is considered to be acceptable in terms of amenity space, privacy and security.

4.41 Therefore, in light of the above, no objections are raised to the proposal on the grounds of residential amenity and there would be negligible harm caused in this respect.

ARCHAEOLOGY

4.42 Section 12 of the NPPF requires LPAs to take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 139 states that non-designated heritage assets of archaeological interest should be considered subject to the policies for designated heritage assets. This is reflected in Local Plan Policy HE10.

4.43 The site lies in close proximity to two recorded post-medieval sites of archaeological interest and within a well-developed late-prehistoric and Romano-British landscape. The City Archaeologist considers that it is likely that this landscape extends through the application site and, as such, an archaeological watching brief would be required on any ground works. This could be addressed

through condition. Therefore, subject to condition, the proposal would conserve identified non-designated heritage assets. There would be no further harm caused to the Green Belt.

IMPACT OF CHARACTER AND APPEARANCE OF THE AREA

4.44 As suggested at 4.28, the site makes a positive and significant contribution to the open character of this area, providing a gap between the buildings on the farm and the houses on Wheldrake Lane.

4.45 The siting of the lodges on this land between the existing farm buildings, the employment buildings, and the houses on Wheldrake Lane would reduce the rural character of this area. Reduced leaf cover in the winter months would exacerbate this by increasing visibility of activity and light at the site. This effect on the character and appearance of the area is considered to be harmful.

OTHER CONSIDERATIONS

4.46 Paragraph 88 of the NPPF explains that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.47 The planning statement submitted by the applicant includes a justification for the proposal in paragraph 15 that can be summarised as follows:

(i) Lack of sprawl – The proposal is considered to find a new use for 'an otherwise redundant piece of agricultural land', which has buildings on three sides and a major road to its fourth side. As such, there would be no sprawl and the proposal would 'infill' a piece of land in the centre of the village. The scheme is stated as being reversible, with the lodges being capable of being removed from the site at such time as the operator of the site wishes to cease letting them.

(ii) Benefits to the economy - The proposal constitutes agricultural diversification, which is encouraged to support the rural economy and make use of redundant land and buildings. The proposal would appeal to the higher end of the tourist market, thereby positively contributing to the tourist economy in York and creating additional jobs in the maintenance and operation of the site (stated as two full time and one part time employees).

(iii) Benefits to biodiversity - This refers to the provision of 'an oasis for wildlife...in an area where agriculture and farming practice currently leans towards monoculture', thereby adding to the provision of wildlife corridors within the green belt area. The siting of the holiday lodges is considered to provide an income and economic base to support the landscape and wildlife improvements.

(iv) Benefits to local community - The planning statement refers to the opportunity offered by the proposal to provide a managed feature as a clearly defined focal point for a small settlement with no clearly defined centre. There would be no increased demand on local services.

(v) Limited impact on amenity of local area - The planning statement refers to the existing and new planting that could screen the cabins and as such the proposal would have a 'very minimal visual impact'. Lighting is to be kept to a minimum and the additional planting would also seek to reduce noise to local residents. The emphasis of the proposal is on a quiet, high quality, well maintained, small holiday site.

(vi) Sustainability - The planning statement states that the proposal is in a sustainable location that is accessible by public transport, with its own drainage provision.

(vii) Precedent – Planning applications for lodges in the Green Belt have been passed by the City of York Council.

4.48 Officers do not concur with the statement that the proposal would not result in sprawl as it would infill a piece of land in the centre of the village. As stated in 4.26 above, the site is part of the open agricultural fields around the cluster of buildings that are Wheldrake Hill Farm, which make a positive and significant contribution to the sense of openness and open character of the Green Belt as well as providing a visual break between the farm and the houses on Wheldrake Lane. Furthermore, the proposal would result in encroachment of the countryside from the loss of undeveloped land.

4.49 Whilst the proposal would undoubtedly increase both the quantity and variety of tourist accommodation serving York and the wider area, this consideration could apply to any number of sites within the City. Section 3 of the NPPF does encourage planning policies to support economic growth in rural areas in order to create jobs, however, there is no relevant local policy. It is noted that the number of jobs to be created by this proposal is limited. No evidence has been submitted to show that the existing agricultural holding is not viable, thereby supporting the claim of agricultural diversification. The planning statement makes reference to the need for the holiday cabins in order to provide 'an income and economic base to support the landscape and wildlife improvements', rather than to sustain the operation of the agricultural holding. However, it is noted that there are already employment uses in the buildings immediately to the north and east of the farm buildings and that land to the east is used for caravan storage.

4.50 With regards the landscape and wildlife improvements, the intention of the applicant to enhance biodiversity through the creation of the pond is in line with advice in Section 11 of the NPPF and Local Plan Policy NE7. The Council's Countryside and Ecology Officer confirms that acid and neutral grassland are priority

habitats in the City of York Local Biodiversity Action Plan. Such areas can be enhanced through wildflower plug planting and appropriate management such as annual cutting as is referred to in the Ecological Assessment submitted with the application. There is no supporting evidence to demonstrate that the cost of the improvements to the grassland and biodiversity from the creation of the pond would necessitate the erection of six holiday lodges. Furthermore, with regards the creation of a new pond, it is likely that its biodiversity potential would be limited due the proximity of holiday cabins surrounding it and the impact of disturbance to it from noise and lighting associated with the use of the lodges.

4.51 The site is close to a public transport route between York and Selby along the A19 as well as being a short drive along the A19 from the park and ride facility at the Designer Outlet. Officers concur with the comments in the planning statement in relation to the limited impact on schools and local facilities, but would query the stated benefits to the local community that would be delivered by the provision of six holiday lodges on an enclosed site. Drainage arrangements and any required planting to screen the cabins could be dealt with by condition and are matters that apply to urban and as well as rural locations.

4.52 Every planning decision must be taken on the merits of the individual case. Precedent is not a material planning consideration in the determination of this application, which should be determined on its own merits.

4.53 As a result of the above, the issues set out by the applicant to justify inappropriate development in the Green Belt are not of overriding weight, either individually or collectively, in the consideration of the application to clearly outweigh the identified harms to the Green Belt. Therefore the very special circumstances necessary to justify the development do not exist.

5.0 CONCLUSION

5.1 The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. The proposed development would cause additional harm to the openness of the Green Belt and conflicts with one of the key purposes of including land within it. The definitional harm and other harm to the purposes and openness of the Green Belt must be afforded substantial weight when applying the NPPF policy test – namely, that very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.2 It is considered that the other considerations put forward by the applicant, when considered individually and collectively, are not compelling reasons sufficient to clearly outweigh the identified harm to the openness and purposes of the Green Belt

and that the very special circumstances necessary to justify the development do not exist.

5.3 As the proposal does not differ to that previously considered and refused in 2014, the application is recommended for refusal on the same grounds.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1. Policies YH9 and Y1 of the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. Cockey Hill Farm is located in Green Belt as identified in the City of York Development Control Draft Local Plan (April 2005). It is considered that the proposed development consisting of six holiday lodges, as well as the associated infrastructure, constitutes 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. No 'very special circumstances' have been put forward by the applicant that would outweigh this harm. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land' and City of York Draft Local Plan Policies GB1.

INFORMATIVES:

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

1. 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. 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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