

COMMITTEE REPORT

Committee: East Area
Date: 26 June 2008
Ward: Strensall
Parish: Strensall And Towthorpe Parish Council

Reference: 08/01199/FUL
Application at: OS Field 2000 Lords Moor Lane Strensall York
For: Retention of a mobile home as a temporary agricultural dwelling in connection with free range laying birds (resubmission)
By: Mr Nigel Pain
Application Type: Full Application
Target Date: 29 July 2008

1.0 PROPOSAL

1.1 The site is located outside the settlement limit of Strensall within an area of Green Belt. It is sited to the south of a railway line on the opposite side of an existing residential area. The application site is located on the north western corner of one large and two smaller grass fields owned by the applicant. The application site also includes an access farm track connecting the existing static caravan site with Lords Moor Lane.

1.2 The northern boundary of the site is formed by a high field hedge. Behind this hedge is a railway line. On the opposite side of the railway line lies another hedge. Behind this second hedge further to the north is the existing residential area. The fields are enclosed by high hedges. To the west of the site along Lords Moor Lane lies a row of residential properties. Strensall Golf Course is situated to the south of the fields, and to the east is a property known as Riverdale. These hedges are outside the application site. The application site is given as 0.05 hectares.

1.3 Access to the site is through an existing track road off Lords Moor Lane to the south of the railway line. The access road is partly owned by Network Rail.

Proposal Description:

1.4 This application seeks planning consent to retain an existing mobile home as a temporary agricultural dwelling in connection with free range laying birds. This temporary mobile home has been sited in the same location for a number of years for purposes other than agriculture. No permission has been granted to date for such use. This has been an enforcement case since October 2005. Following the refusal of planning permission in November last year to site a mobile home as a temporary agricultural dwelling (07/01943/FUL), an enforcement notice was served by the Council requiring all unauthorised developments to be removed from the site by 18 January 2008. However, an appeal was made by the applicant against the enforcement notice. The case is to be heard by the Planning Inspector, and an informal hearing will take place on 8 July 2008.

1.5 Other appeals made by the applicant are the decision to refuse the mobile home application (07/01943/FUL) and the decision to refuse the organic free range egg

unit (07/01942/FULM). Both applications were presented before the planning committee in November last year. These applications will also be considered at the informal hearing on 8 July 2008.

Relevant Planning History:

1.6 07/01943/FUL: Siting of a mobile home as a temporary agricultural dwelling. This planning application was refused on 9 November 2007 because of the decision of the Council to refuse planning permission for application ref: 07/01942/FULM for an organic free range egg unit. As this would result in there being no agricultural justification for the siting of a temporary mobile dwelling on the site, the proposal would constitute inappropriate development within an area of Green Belt, conflicting with Central Government advice in Planning Policy Guidance Note 2 "Green Belts" and policy GB7 of the City of York Draft Local Plan 2005.

1.7 07/01942/FULM: Erection of organic free range egg unit (1061sqm). Permission was refused on highway safety grounds.

1.8 06/00015/OUT: Outline application for erection of 1 no. dwelling after demolition of existing dwelling and outbuildings. This application was refused on 22 February 2006 due to the following reasons:

i. The proposed development would constitute the construction of a new dwelling in the York Green Belt. There is no dwelling on the site that would enable the proposal to be reasonably considered to be a replacement dwelling. The construction of such a dwelling would be an inappropriate form of development in the Green Belt, and therefore by definition would be harmful to the Green Belt.

ii. The construction of such a new dwelling and its residential curtilage would also give rise to the impression of sporadic development in the Green Belt outside of any settlement limits, diminishing the openness and conflicting with one of the purposes of including land within the Green Belt, of assisting in safeguarding the countryside from encroachment.

iii. The development is considered contrary to advice PPG2: Green Belts, Policies E8, E8a, E9 of the Adopted North Yorkshire Structure Plan (Alteration no. 3 Adopted 1995) and Policies SP2, GB1, GB5, GB6 of City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYSP2
The York Green Belt

CYGB1
Development within the Green Belt

CYGB6
Housing devt outside settlement limits

CYGP1
Design

CYGP4A
Sustainability

CYNE5A
Local Nature Conservation Sites

CYGP15
Protection from flooding

CYGP23
Temporary planning permission

CYGB7
Agricultural or forestry dwellings

CYGB8
Occupancy conditions for Agricultural or Forestry Dwellings

3.0 CONSULTATIONS

EXTERNAL

3.1 Neighbours notified. No response received to date.

3.2 Strensall and Towthorpe Parish Council consulted. No response received to date.

3.3 Foss Internal Drainage Board consulted. No response received to date.

3.4 Network Rail consulted. No response received to date.

3.5 York Natural Environment Panel consulted. No response received to date.

INTERNAL:

3.6 Environment and Conservation section consulted. No response received to date.

3.7 Highways Network Management consulted. No response received to date.

3.8 Environmental Protection Unit consulted. No response received to date.

4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- i. Information submitted by the applicant
- ii. Temporary agricultural dwelling
- iii. Green Belt Development
- iv. Other material considerations

INFORMATION SUBMITTED BY THE APPLICANT:

4.2 Part 3 of the applicant's Agricultural Appraisal states the new proposed agricultural business activities on this site are based on organic free range egg production (paragraph 3.2). It further states in the report that the applicant proposes to establish a free range egg production business, using mobile free range egg units. These units are mounted on skids and have a drawbar attached for movement behind a tractor. As mobile free range egg units do not fall under the definition of development, no formal planning consent is required (paragraph 3.3).

4.3 However, contrary to the above information supplied by the applicant, the plans submitted with the planning application show an elevation plan for a proposed 57.9m x 18.2m free range organic laying house (5000 birds), and a location plan showing the positioning of the egg unit. Further information has also been submitted with the application, which illustrates the mobile poultry units that were referred to in paragraph 3.3 of the applicant's Agricultural Appraisal Report.

4.4 For the purpose of assessing the merits of this planning application, whether the proposed free range egg production business would be operated in a mobile free range egg units or whether it would be operated in a 57.998m x 18.288m permanent structure is outside the consideration of this planning application. This application relates to the retention of a mobile home as a temporary agricultural dwelling only.

4.5 The main issue to be considered is therefore whether the proposed retention of a mobile home for a temporary period would satisfy the criteria set out in Annex 7 of Planning Policy Statement no.7 "Sustainable Development in Rural Areas" (PPS 7).

TEMPORARY AGRICULTURAL DWELLING

4.6 Paragraph 12, Annex A of PPS7 states if a new dwelling is essential to support a new farming activity, it should normally, for the first three years, be provided by a temporary accommodation such as caravan that can be easily dismantled. It should also satisfy a number of criteria, one of which is:

- i. clear evidence of a firm intention and ability to develop the enterprise concerned.

4.7 The agricultural appraisal report submitted with the previous planning application (07/01943/FUL) was assessed on the basis that an application to erect an organic free range egg unit was also under consideration (07/01942/FULM). The outcome of

the previous mobile home application was clearly dependant on the decision on the application for the free range egg unit, and if the latter had been successful, the mobile home may have been approved with an appropriate condition requiring it to be retained only to serve the egg unit.

However, unlike the previous scheme, no planning application to develop an organic free range egg unit has been submitted with this second application. Whilst the argument now put forward by the applicant regarding permitted development rights for mobile egg units is accepted, no attempt has been made despite these rights to establish an egg business at the site in the last 2 and a half years since the mobile home was placed here. As such, there is no substantive evidence of a 'firm intention and ability to develop the enterprise' as required in PPS7.

4.8 At the time of the officer's site visit there was still no organic free range egg laying activity existing on lands adjacent to the application site.

4.9 It is not considered that the agricultural appraisal report submitted with this application is, in itself adequate for the purpose of meeting criterion i, paragraph 12, annex A of PPS7.

4.10 Furthermore, since the enforcement case was first raised regarding the siting of this static caravan, the fields owned by the applicant (namely O.S. fields nos. 2000 and 3000 in Strensall) have not been used for the purpose of free range egg laying business.

4.11 As there have been no known history of siting the caravan for the purpose of a free range egg laying enterprise, on balance it is possible that the mobile home will not be used for such purpose if permission is granted.

GREEN BELT DEVELOPMENT

4.12 By virtue of the above, the proposed retention of an existing mobile home as a temporary agricultural dwelling is considered to be unjustifiable. There being no agricultural justification for the siting of a temporary mobile home, the scheme put forward is regarded as inappropriate development within an area of Green Belt, conflicting with Central Government advice in Planning Policy Guidance Note 2 "Green Belts" and with the provisions of Policy GB7 of the City of York Draft Local Plan, which states, inter alia, that new agricultural or forestry dwellings outside defined settlement limits in the Green Belt or open countryside will only be permitted where it can be demonstrated that the new accommodation is essential to the functioning of a well established holding.

OTHER MATERIAL CONSIDERATIONS

4.13 Other material considerations relevant to the scheme include the scale, design and external appearance of the mobile home, sustainability, natural and habitat protection, protection against flooding, drainage, and highway issues in connection with the siting of a caravan. These issues were considered in the previous planning application (ref. no 07/01943/FUL). Planning permission had not been refused on these basis.

5.0 CONCLUSION

By virtue of the above this application is recommended for refusal

6.0 RECOMMENDATION: Refuse

1 To retain a mobile home as a temporary agricultural dwelling, paragraph 12, Annex 7 of Planning Policy Statement no.7 "Sustainable Development in Rural Areas" sets out a list of criteria that must be satisfied, one of which is "clear evidence of a firm intention and ability to develop the enterprise concerned". Other than an agricultural appraisal report submitted with the planning application, no solid evidence has been provided or put forward which could demonstrate a firm intention to develop the free range egg laying business. As such it is considered that the evidence of a firm intention to develop the enterprise concerned is unclear, contrary to criterion i, paragraph 12, Annex A of Planning Policy Statement no.7.

2 The proposed retention of an existing mobile home as a temporary agricultural dwelling has not been justified in agricultural terms. The siting of a mobile home in this location is therefore regarded as inappropriate development within an area of Green Belt, conflicting with Central Government advice in Planning Policy Guidance Note 2 "Green Belts" and with the provisions of Policy GB7 of the City of York Draft Local Plan, which states, inter alia, that new agricultural or forestry dwellings outside defined settlement limits in the Green Belt or open countryside will only be permitted where it can be demonstrated that the new accommodation is essential to the functioning of a well established holding.

7.0 INFORMATIVES:

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