

## COMMITTEE REPORT

**Date:** 26 March 2011                      **Ward:** Osbaldwick  
**Team:** Major and Commercial      **Parish:** Murton Parish Council  
Team

**Reference:** 11/00002/FULM  
**Application at:** Beetle Bank Farm Moor Lane Murton York YO19 5XD  
**For:** Change of use of land to visitor attraction comprising open farm and wildlife sanctuary with associated barn, two-storey amenity building and car park  
**By:** Ms Angela Serino  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 18 April 2011  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 The application site is situated off Moor Lane to the north of Murton village in York Green Belt. It lies to the east of Red House on the opposite side of Moor Lane and to the west of Highfield House. The application site area is 7.9 hectares.

1.2 It is proposed to change the use of land to a visitor attraction comprising an open farm and wildlife sanctuary with associated barn, two storey amenity building (with play areas, seating area, coffee shop, party rooms and other associated facilities) and car park. The proposed two storey amenity building would be a modern aluminium profile stand-alone structure. It would measure 391.8sq.m with an overall height of 7.7m (eaves height of 5.5m). The amenity building would be situated in an open field approximately 115m away from the site entrance. An animal barn is proposed approximately 12.0m to the east of the amenity building. The barn would measure 429sq.m with a ridge height of 4.6m and eaves height of 3.1m. It would also be a stand-alone structure.

1.3 To the south of the amenity building and animal barn, before reaching the proposed site entrance, lies an area of land where the parking area is proposed. A detailed plan submitted with the application shows the parking area would be capable of accommodating 62 vehicles. The open farm and wildlife area would be situated to the north of the proposed amenity building and animal barn. Two wildlife ponds are proposed in the corner of the open farm and wildlife area. Further to the east on the opposite side of Piker Thorn beck lies an area of land where the 0.52ha 'red squirrel wood' is proposed. An area of land to the south of this would be used as a hay field. A second access is proposed from Moor Lane into this area of land.

1.4 Between the hay field on the opposite side of Piker Thorn beck and the main attraction where the proposed buildings and car park would be situated lies a separate agricultural holding (outside the applicant's ownership) known as Moor Lane Farm. Moor Lane Farm has, in recent years been subdivided; Beetle Bank Farm (the application site) was formed as the result.

1.5 The accompanying documentation indicates that the attraction is likely to employ 8 full time staff and 4 part time members of staff. Visitor numbers are expected to reach 120 per day.

## RELEVANT PLANNING HISTORY

1.6 3/88/89/OA: Outline application for the erection of a farmhouse. Permission approved in 1987 subject to an agricultural occupancy condition.

1.7 3/88/89A/RM: Reserved Matters application for the erection of a farmhouse. Permission refused in 1989.

1.8 3/88/89B/RM: Reserved Matters application for the erection of a farmhouse. Permission approved in 1990.

1.9 09/01878/CLU: Application for certificate of lawfulness in respect of the erection of a residential dwelling and creation of domestic curtilage. It was contended by the applicant at the time of the application that the dwelling was not built in accordance with the approved plans, but that the house has been built and lived in for more than 4 years and the associated residential curtilage has been in use in excess of 10 years from the date of the application. Certificate was granted in December 2009.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYSP2

The York Green Belt

CYSP8

Reducing dependence on the car

CYGP1

Design

CYGP4A

Sustainability

CYGP4B

Air Quality

CYGP9

Landscaping

CYGP15  
Protection from flooding

CYNE6  
Species protected by law

CYNE7  
Habitat protection and creation

CYGB1  
Development within the Green Belt

CYGB11  
Employment devt outside settlement limits

CYV1  
Criteria for visitor related devt

### **3.0 CONSULTATIONS**

#### EXTERNAL

3.1 Neighbours consulted and site notice posted – consultation expired on 14 February 2011. 9 letters of objections received expressing the following concerns:

- the existing roads are not suitable for heavy vehicles;
- access into and out of the site is not adequate for the traffic volume as it is a narrow windy lane;
- at peak times traffic at Hop Grove junction off A64 is already a problem despite the addition of new traffic lights. The proposal is likely to exacerbate traffic concerns;
- the route through Murton village may struggle during peak times;
- a traffic survey should have been submitted with the application;
- due to weight restriction Murton Lane is unsuitable for coaches;
- coaches meeting each other on the road will not be able to pass without further erosion of the verges;
- there is a lack of public transport to the site;
- there is no dedicated cycle route near to the site. As such the proposal would not provide a safe environment for the number of cyclists;
- the road is already dangerous for horse riders and cyclists as it is badly maintained. The increase volume of traffic by virtue of the proposal is unacceptable.
- a more suitable location should be investigated to provide a safe environment for employees, visitors and members of the local community;
- the proposal would have a deleterious effect on the landscape and nearby buildings;
- the projected visitor figures would appear to be optimistic and may not be sustainable in the medium term;
- the proposal is very close to a farming museum which is already situated in the village;
- existing businesses should have been consulted on this application;
- given the size of the proposed play centre with three party rooms more than 2 part time staff is likely to be needed.

- the soil removed from the lake should not be used to raise ground level due to flooding concerns;

### 3.2 MURTON PARISH COUNCIL – response received on 14 February 2011: Objections and comments are summarised as follows:

- the proposal would, due to its overall scale have a significant impact on the openness of the Green Belt;
- it is unlikely that the proposal can be effectively absorbed into the existing surroundings without any adverse impact on the landscape;
- traffic generated by the proposal would have a deleterious effect on the village and Moor Lane;
- it is not considered that the site can be integrated within its surrounding transport context;
- it is unlikely that there will be a substantial number of customers who will come by foot or cycle;
- the effect of more heavy vehicles will have a detrimental effect on the condition of Moor Lane;
- the entry of vehicles into and out of the site is a concern;
- it is likely that the proposal would have a material effect on Osbaldwick beck;
- the viability of the business insofar as what would happen if it does not come to expectation is a concern;
- the information submitted in respect of the wildlife sanctuary is considered to be too vague for this application to be assessed;
- it is unclear how the scheme could protect bats and red squirrels given the legislations surrounding their protection;
- extensive planting of trees will be needed before the sanctuary can be populated;
- red squirrel wood will need to be a lot more substantial
- the woodland will need to be netted to preserve the red squirrels from an untimely and excruciating death;
- it is unlikely that visitors will arrive on cycle;
- the fields in the area are waterlogged in winter months making them totally unsuitable for wheelchair users and anyone with a pushchair;
- it would be mainly used as a children's play area rather than a sanctuary;
- it is unclear what the 1st floor would be used for;
- Yorkshire Museum of Farming, which is situated at the other end of the village provides many of the attractions that are proposed in this application.
- the assertions made on emissions and travel distance is unfounded;
- other similar attractions in the city offer much more extensive facilities;
- It is not clear what would happen to the buildings, car park and other infrastructures should the business venture become unsuccessful;

### 3.3 YORK NATURAL ENVIRONMENTAL PANEL – Response received on 3 February 2011:

- the scheme is considered to be an inappropriate development in a rural area;
- the proposal would create greater traffic levels on a presently quiet, narrow road including a very tight bend;
- the red squirrel woodland would not be viable;

### 3.4 ENVIRONMENT AGENCY – Response received on 10 February 2011:

- the proposed development will only be acceptable if the measures detailed in the Flood Risk Assessment submitted with this application are implemented and secured by conditions;
- conditions and informatives recommended;

### 3.5 FOSS INTERNAL DRAINAGE BOARD – response received on 10 February 2011:

- no objections;
- conditions and informatives relating to surface water drainage works, the use of Sustainable Drainage System, maintenance of watercourse and works which may affect the watercourse have been recommended;

### INTERNAL:

### 3.6 HIGHWAY NETWORK MANAGEMENT – latest response received on 7 March 2011:

- In the absence of a transport impact assessment report which satisfactorily addresses highway issues this application should be refused on the grounds that the applicant has failed to demonstrate that the development can be undertaken without having a detrimental impact on highway safety in the vicinity of the site.

### 3.7 DRAINAGE CONSULTANCY – response received on 22 February 2011:

- The consultancy objects to the development proposals as insufficient information has been provided by the developers to determine the potential impact the proposals may have on the existing drainage system.

### 3.8 CITY DEVELOPMENT UNIT – response received on 14 February 2011:

- The principle of tourism related development may be considered acceptable in this location provided it meets the criteria set out in policies GB1 and V1.
- it must be satisfied that the development will not detract from the open character of the area, or from views into the city, and that a sufficient proportion of the goods on sale are produced on site in order to meet the standards described above.
- A condition should also be set so that the area of the café is always of a scale/proportion which is ancillary to the main function of the development.

### 3.9 ENVIRONMENT AND CONSERVATION (COUNTRYSIDE) – response received on 2 March 2011:

- The fields within which the proposed new buildings, car parking and ponds will be constructed are all ex-arable and have recently been re-sown.
- The fields at present therefore have a fairly low ecological value.
- The creation of a new native woodland would be beneficial within this area and would benefit a range of species, though details of planting has not yet at this stage been provided.

- However, aspirations for this area include the creation of a Red Squirrel Sanctuary, which in this location would not be viable. The designated area is considered to be too small for this purpose, and access by the public would also not be possible in this case as the area would need to be enclosed. Furthermore, the planted trees will also take many years to establish and before any such proposals and intentions can be considered.
- The creation of new ponds within the holding will be beneficial and will provide good habitat for a variety of species'
- Though there are no known records of Great Crested Newts within this area, there are a number of other ponds close by and the creation of these new ponds here would add to and strengthen this local pond network;
- if approved further details of any planting should be submitted,

### 3.10 ENVIRONMENT AND CONSERVATION (LANDSCAPE) – response received on 3 March 2011:

- By way of their sizeable physical presence the amenity building and animal barn impact on the openness of the existing field network.
- the separation created by the car park draws attention to the commercial nature of the development and would look out of character, especially if lighting were introduced.
- Diversification should not be discouraged, but the council needs to be satisfied that a convincing business case has been put forward. Otherwise the impact on the open character of the greenbelt does not outweigh the need, especially with regard to the car park and amenity building.
- Other operations of a similar nature exist within close proximity to the site.

### 3.11 ENVIRONMENTAL PROTECTION – response received on 4 Mach 2011:

- No objections, informatives recommended

### 3.12 VISIT YORK – Consultation expired on 12 February 2011, no response received.

## 4.0 APPRAISAL

### 4.1 The main issues to be considered are as follows:

- i. Impact on York Green Belt
- ii. Business viability
- iii. Highway considerations
- iv. Drainage and flood risk
- v. Nature conservation
- vi. Environmental considerations
- vii. Impact on other similar visitor attractions.
- viii. Farm diversification

### IMPACT ON YORK GREEN BELT

### 4.2 National planning advice on developments in the Green Belt is contained within Planning Policy Guidance no.2 “Green Belts” (PPG2). Policy GB1 of the City of York

Draft Local Plan reflects the requirements set out under PPG2. Paragraphs 3.1 and 3.2 of PPG2 state, inter alia, that there is a general presumption against inappropriate development in the green belt. Inappropriate development is, by definition, harmful to the green belt. It is for the applicant to show why permission should be granted. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

#### PRINCIPLE OF THE DEVELOPMENT:

4.3 A development is considered to be inappropriate unless it is for one of the purposes set out under paragraph 3.4 of PPG2, one of which is essential facilities for outdoor sport and recreation. According to paragraph 3.5 of PPG2, “essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stable for outdoor sport and outdoor recreation”.

4.4 Whilst the open farm and wildlife sanctuary elements of the attraction fall within the definition of essential facility for outdoor recreation the children’s play area and café within the proposed amenity building fall outside the list of purposes set out under paragraph 3.4 of PPG2. Given their inappropriateness in the green belt they are, by definition harmful to the green belt, contrary to the national planning advice set out under PPG2 and Policy GB1 of the City of York Draft Local Plan.

#### SCALE, MASSING AND EXTERNAL APPEARANCE OF THE AMENITY BUILDING:

4.5 Policy SP2 and paragraph 1.28 of the City of York Draft Local Plan set out the main purpose of the Green Belt around York, which is to preserve the setting and the special character of the historic city. Policy GB1 of the Draft Local Plan further states, inter alia, that planning permission for developments within the green belt will only be granted where the scale, location, and design of such development would not detract from the open character of the Green Belt.

4.6 The two storey element of the amenity building would measure 391sq.m with an overall height of 7.7m (eaves height of 5.5m). It would be a modern aluminium profile stand-alone structure within an open field outside a settlement limit in York Green Belt. Due to its overall height, scale, external appearance and massing together with its dominance when viewed from Moor Lane and Bad Bargain Lane to the north of the application site it is considered that the proposed two storey building would have an irreversible impact on the rural character to the detriment of the openness and visual amenities of York Green Belt and the purpose of including land within the Green Belt, contrary to, in particular paragraphs 3.5 and 3.15 of PPG2, policies SP2 and GB1 of the City of York Draft Local Plan, and the guidelines set out in Murton Village Design Statement.

#### SCALE AND MASSING OF THE ANIMAL BARN:

4.7 An animal barn is proposed to the east of the proposed amenity building. It would be used to house farm animals for the open farm element of the attraction as well as

for the storage of tractors and farm machinery. The information submitted with the application does not suggest in any way that the building would be used for the trading of farm animals, although it is reasonably clear that it forms part of the visitors' attraction. Notwithstanding this position, however, it is considered that the building falls within the purpose of "agriculture" as defined under Section 336 of the Town and Country Planning Act 1990 (which states that agriculture includes the keeping and breeding of livestock including any creature for the purpose of the farming of the land). The 'appropriateness' of the building in a green belt in terms of its use is therefore not of concern.

4.8 The main cause for concern, however, is the overall scale of the building. The barn would measure 429sq.m with an overall height of 4.6m (eaves height of 3.1m). Details regarding the numbers and types of farm animals/livestock proposed to be accommodated within the barn including details of the farm equipment proposed to be stored within the northern end of the building have not been provided as part of the submission. Without such details, it is not possible to assess whether the scale of the animal barn is proportionate to the size of the visitor attraction, and if not considered proportionate, whether the proposal would detract from the openness of the Green Belt.

#### PARKING AREA:

4.9 Subject to an appropriate landscaping condition and a condition requiring the use of grass grid paving it is considered that the proposed parking area would be less exposed and would thus have limited harm on the openness of York Green Belt. No external lighting has been proposed as part of the scheme. In any case a separate planning permission will be required for external lighting.

#### BUSINESS VIABILITY

4.10 The Countryside Officer considers the red squirrel area to be too small for the intended purpose, and access by the public would not be possible as the area would need to be enclosed. Furthermore, the planted trees will take many years to establish before any such proposals and intentions can be considered. This would further diminish the arguments relating to the feasibility of the proposal.

#### HIGHWAY CONSIDERATIONS

4.11 Concerns have been expressed by local residents regarding traffic implications by virtue of the development proposal. These include the suitability of the existing highway networks in terms of coping with the rise in traffic volume and the types of vehicles that are likely to visit the site and Murton village. This is exacerbated by the fact that there is a lack of public transport facilities serving the site and that most visitors will not be arriving by means other than private vehicles. Due to the narrowness and the condition of Moor Lane residents are also concerned that large vehicles, such as coaches will not be able to pass each other without causing further damage to the existing highways. Traffic assessment should have been submitted with the planning application.

4.12 The above concerns are shared by Highway Network Management. In their latest response dated 7 March 2011 concerns have been expressed regarding the lack of information submitted with the application. It is considered that the application should have been accompanied by a Transport Impact Assessment report which addresses issues concerning:

- i. the likely impact additional traffic would have on the existing highway network;
- ii. the likelihood that the majority of staff and visitors will arrive by car given the lack of public transport facilities in this area;
- iii. the existing country roads are relatively narrow and as such are unsuitable for vehicles carrying schoolchildren who are likely to make up a high proportion of visitor numbers;
- iv. the existing carriageways are unsuitable for significant increases in the numbers of pedestrians and cyclists due to the restricted width of carriageways in the vicinity of Murton village coupled with the existing levels of traffic; and
- v. the visibility of on-coming traffic is somewhat restricted in a northerly direction when emerging on to Moor Lane. The applicant has failed to demonstrate that safe stopping distances are achievable

4.13 Without a transport impact assessment report which satisfactorily addresses these issues the application is recommended for refusal on the grounds that the applicant has failed to demonstrate that the development can be undertaken without having a detrimental impact on highway safety in the vicinity of the site.

#### OTHER MATERIAL CONSIDERATIONS

4.14 DRAINAGE AND FLOOD RISK – According to York Drainage consultancy the application site is situated within low risk flood zone 1 and as such it should not suffer from river flooding. No objections have been raised by the Environment Agency subject to a condition to ensure that the submitted Flood Risk Assessment will be implemented. Conditions regarding the discharge of surface water have also been recommended by both the Environment Agency and Foss Internal Drainage Board. The additional information requested by York Drainage Consultancy can be secured by way of condition if approval is given.

4.15 NATURE CONSERVATION – The fields within which the proposed development will be constructed are all formerly arable land which has recently been re-sown. As such the site at present has low ecological value. Furthermore, the proposal would have limited effect on the existing boundary treatment, and that there is to be additional planting or new trees and hedges as part of the overall landscaping of the site. It is also considered by the Conservation team that the creation of new ponds within the holding would provide good habitat for a variety of species. For these reasons no objections have been expressed by the Council's Countryside Officer. Issues concerning the effect the scheme would have on legislations surrounding the protection of bats and red squirrels fall outside planning control.

4.16 ENVIRONMENTAL CONSIDERATIONS - No objections have been raised by Environmental Protection team regarding any possible statutory nuisances associated with the development proposals. In line with the Council's Low Emission Strategy the uptake of low emission vehicles should be promoted as far as possible via infrastructures such as electric vehicle charging points. Informatives recommended. Issues concerning the hours of operation can be controlled by planning condition if approval is recommended.

4.17 FARM DIVERSIFICATION - Whilst the national planning policy advice contained within Planning Policy Statements no.7 "Sustainable Development in Rural Areas" and no.4 "Planning for Sustainable Economic Growth" has been taken into consideration it is not considered that the benefits of farm diversification and tourism in rural areas could, in this instance outweigh the concerns set out above.

## **5.0 CONCLUSION**

5.1 It is considered that the principle of the development is inappropriate in the Green Belt, which by definition is harmful to the Green Belt. By virtue of the scale, massing and external appearance of the amenity building and the lack of justification over the size of the animal barn it is considered that the development proposed is harmful to the openness of York Green Belt and the purpose of including land within the Green Belt.

5.2 In addition, in the absence of a transport impact assessment report which satisfactorily addresses highways concerns the applicant has failed to demonstrate that the development can be undertaken without having a detrimental impact on highway safety in the vicinity of the site. Whilst the national planning policy advice contained within Planning Policy Statements no.7 and no.4 has been taken into consideration, it is not considered that the benefits of farm diversification and tourism in rural areas could, in this instance outweigh the concerns as summarised above. Thus this application is recommended for refusal.

## **6.0 RECOMMENDATION: Refuse**

1 It is considered that whilst the open farm and wildlife sanctuary elements of the attraction fall within the definition of essential facility for outdoor recreation, the play areas, seating area, coffee shop, party rooms and other associated facilities within the proposed amenity building fall outside the list of purposes set out under paragraph 3.4 of Planning Policy Guidance no.2 "Green Belts" and Policy GB1 of the City of York Draft Local Plan. As such they are considered to be inappropriate development in the Green Belt. Given their inappropriateness in the Green Belt they are, by definition harmful to the green belt, contrary to the national planning advice contained within Planning Policy Guidance no.2 "Green Belts" and Policy GB1 "Development in the Green Belt" of the City of York Draft Local Plan.

2 By virtue of its overall height, scale, external appearance and massing together with its dominance when viewed from Moor Lane and Bad Bargain Lane to the north of the application site, it is considered that the proposed two storey amenity building would, if approved have a harmful and irreversible impact on the open character and visual amenities of York Green Belt and the purpose of including land within the Green Belt, contrary to, in particular paragraphs 3.5 and 3.15 of Planning Policy Guidance

no.2, policies SP2 and GB1 of the City of York Draft Local Plan, and the guidelines set out in Murton Village Design Statement.

3 Details regarding the numbers and types of farm animals/livestock including farm equipment to be accommodated within the proposed animal barn have not been provided, without which it is not possible to assess whether the scale of the proposed development is proportionate to the size of the proposed visitor attraction and open farm and whether it complies with the national planning advice set out under paragraphs 3.5 and 3.15 of Planning Policy Guidance no.2, policies SP2 and GB1 of the City of York Draft Local Plan and the guidelines set out in Murton Village Design Statement.

4 The applicant has failed to demonstrate that the development can be undertaken without having a detrimental impact on highway safety in the vicinity of the site. The application should have been accompanied by a Transport Impact Assessment report which satisfactorily addresses the following concerns:

- i. the likely impact additional traffic would have on the existing highway network;
- ii. the likelihood that the majority of staff and visitors will arrive by car given the lack of public transport facilities in this area;
- iii. the existing country roads are relatively narrow and as such are unsuitable for vehicles carrying schoolchildren who are likely to make up a high proportion of visitor numbers;
- iv. the existing carriageways are unsuitable for significant increases in the numbers of pedestrians and cyclists due to the restricted width of carriageways in the vicinity of Murton village coupled with the existing levels of traffic; and
- v. the visibility of on-coming traffic is somewhat restricted in a northerly direction when emerging on to Moor Lane. The applicant has failed to demonstrate that safe stopping distances are achievable.

## **7.0 INFORMATIVES:**

### **Contact details:**

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