

COMMITTEE REPORT

Committee:	East Area	Ward:	Strensall	
Date:	8 November 2007	Parish:	Strensall	And Towthorpe Parish Council

Reference: 07/01943/FUL
Application at: OS Field 2000 Lords Moor Lane Strensall York
For: Siting of a mobile home as a temporary agricultural dwelling
By: Mr N Pain
Application Type: Full Application
Target Date: 9 October 2007

1.0 PROPOSAL

1.1 The site is located outside the settlement limit of Strensall. 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. The site is situated in fields which are of significant wildlife interest. As the result they are currently on the proposed Site of Importance for Nature Conservation (SINC) nomination list.

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 42.34sq.m.

Proposal Description:

1.3 This application seeks planning consent to site a mobile home as a temporary agricultural dwelling. The site has already been used for the siting of a caravan for a number of years. No permission has been granted to date for such use. The case is currently under investigation by the Council's enforcement team, with the view to serve an enforcement notice pending the outcome of this planning application. This application has been submitted in conjunction with the 07/01942/FULM application to erect a free range egg unit.

1.4 The temporary dwelling would measure 9.7m x 3.6m with a height of 3.3m. It would be a light green steel profile sheeting structure and would be sited 16.0m from the farm track.

1.5 The proposed building would be approximately 30.0m away from the nearest residential property to the north of the site, approximately 220.0m from the nearest

dwelling along Lords Moor Lane to the west of the site, more than 350m away from Strensall Golf club, and approximately 350m away from Riversdale.

1.6 Access to the site is through an existing track road off Lords Moor Lane to the south of the railway line. The overall length of the access road would measure approximately 300.0m. The access road is partly owned by Network Rail.

Relevant Planning History:

1.7 07/01942/FULM: Erection of organic free range egg unit (1061sqm). This application is directly related to the scheme proposed. Hence it has been submitted before the planning committee for determination.

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:

Conservation Area Multiple (Spatial)

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

CYT4

Cycle parking standards

3.0 CONSULTATIONS

EXTERNAL

3.1 Neighbours notified, expired 26 September 2007. 14 letters of objections received. The following concerns were raised:

- dwellings should not be required on agricultural land,
- the mobile homes and caravans would harm the view of 10 Cundall Close,
- the provision of a mobile home including water, electricity, waste disposal and sewerage facilities are inappropriate on Green Belt land,
- without the free range egg production unit there can be no justification for the siting of a mobile home in this location as a temporary agricultural dwelling,
- the existing caravan has been on site for many months without authorisation,

- the existing caravan has already been issued an Enforcement Order,
- the increased traffic from this development may cause an accident,
- the applicant might be using the business plan of the free range egg unit as a means to secure planning permission for a temporary dwelling,
- local residents should have been consulted widely,
- access to the site is too narrow,
- noise from the generator of the caravan is intrusive,
- the proposal would affect the amenity of local residents,
- heavy goods vehicles from the business would affect the amenities of local residents and would exacerbate congestion, parking issues, poor road condition and public safety,
- the proposal would create traffic hazard,
- this application should not be accepted given that there is already an illegal use on site,
- there are serious drainage problems in the area,
- the proposal would harm law abiding tax payers,
- the proposal would destroy ancient plant species,

3.2 Strensall and Towthorpe Parish Council consulted. Response received 1 October 2007. The following comments were made:

- this application should only be considered if and when the free-range egg unit has been approved,
- this application and the free-range egg unit application should be presented as one application; it is felt that this method of submission could be open to abuse,
- it is not credible to suggest that the applicant will always be on site,
- there is no service to the site,
- the existing mobile generator, which generate electricity, causes noise and disturbance to nearby properties,
- the proposed surface water discharge method is unacceptable,
- previous permission to erect a dwelling on this site was refused,
- similar application was refused at Riverdale Farm,
- PPS7 makes it clear that new permanent dwellings should only be allowed to support existing agricultural activities and existing functional need,
- the proposal would affect the presence of old and rare plant species,
- the existing activities on site is already subject to enforcement action,

3.3 York Natural Environment Panel consulted. Response received 7 September 2007. The following comments were made:

- there is no justification for a mobile home if the organic free range egg unit is not granted.

3.4 Foss Internal Drainage Board consulted. Response received 25 September 2007. The following comments were made:

- it is not convinced that soakaways will work in this location,
- the area is believed to suffer from overland flows from Strensall Common,
- the proposal would increase discharge. As the result it would increase the risk of property flooding.
- conditions recommended.

3.5 Network Rail consulted. Response received 15 October 2007. The following comments were made:

- the applicant should be made aware of the level crossing and its operation does not cause delay to road traffic,
- there should be a condition that all vehicles using the access track must be driven in forward gear to avoid any awkward manoeuvres in the vicinity of the level crossing,
- the application would be required to obtain a legal right to use the track from Network Rail prior to commencing the development,
- all operations must at all times be carried out in a "fail safe" manner so that the railway line would not be affected,
- all surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property,
- the excavations/earthworks must not interfere with Network Rail property,
- security of the railway boundary will be required to be maintained at all times,
- method statements will be required to be submitted to Network Rail,
- consideration should be given to ensure that construction and maintenance can be carried out without adversely affecting Network Rail's properties,
- soundproofing should be made to protect local residents,
- suitable crash barriers or high kerbs should be provided where new roads, turning spaces or parking areas are to be situated adjacent to a railway,
- the developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary. Network Rail's fence/boundary must not be removed/damaged.

INTERNAL:

3.6 Environment and Conservation section consulted. Response received 10 September 2007. the following comments were made:

- Both OS Fields 2000 and 3000 are of significant wildlife interest, notably as old species rich grassland, and are on the proposed SINC nomination list. Thus they are protected by Policies NE5a and NE7 of the draft local plan;
- This designation does not necessarily prevent development if it can be done in such a way as to maintain and enhance the wildlife interest;
- This application would only have a limited wildlife impact as the location of the exiting caravan, which would be formalised by any consent granted, is on previously disturbed land of limited value.
- There are no wildlife grounds to object

3.7 Highways Network Management consulted. Latest response received 22 October 2007. The team objected due to the following reasons:

- The access is restrictive both in terms of its width and achievable visibility on the traffic approach side.
- There is no potential to widen the access due to land ownership issues and the position of the existing signal box.

- The access currently serves the farmland and as such will only generate very limited vehicle movements.
- The proposed use is intensive and will generate higher levels of traffic than the existing use with the potential to grow.
- The use of HGVs as stated by the applicant are generally slower moving and require larger areas for manoeuvring.
- Vehicles approaching from the Village will have to cross the solid white line system and face oncoming traffic to turn left into the site. Such a manoeuvre would be difficult and slow resulting in hazards to both traffic on the highway and the safe operation of the level crossing.
- The right turn into the site from Lords Moor Lane is also hindered by the restrictive width of the access and HGV's are likely to require a multipoint manoeuvre to access the site safely.

4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- i. Green Belt Development
- ii. Agricultural Occupational Dwelling
- iii. Scale, Design and External Appearance
- iv. Sustainability
- v. Natural and Habitat protection
- vi. Flood and Drainage
- vii. Access/Highway safety
- viii. Other considerations

GREEN BELT DEVELOPMENT:

4.2 Central Government advice in paragraph 3.4 of Planning Policy Guidance (PPG) no.2 "Green Belts" sets out a list of development purposes which are appropriate inside a Green Belt, one of which is "agriculture and forestry". Policy P2 of the Regional Spatial Strategy for Yorkshire and the Humber (2004) defines the purposes of Green Belts in Yorkshire, which are to support urban renaissance and conserve the countryside. Policy E8 of the North Yorkshire County Structure Plan 1995 defines the parameter of Green Belts in North Yorkshire, and Policy GB1 "Development in the Green Belt" of the City of York Local Plan Draft 2005 states that agricultural and forestry is acceptable. However, the applicant must still comply with points a - c of the policy. The decision would rest upon whether the proposed impact on the Green Belt would be detrimental to its openness.

4.3 The purpose of the mobile home is to provide a temporary living accommodation for a full time worker to be employed in the proposed egg unit enterprise. Because it would be used for the purpose of agriculture, it is considered that the proposed temporary mobile is not a departure from the development plan.

4.4 Criteria a - c of the Local Plan Draft policy GB1 will be considered under the sub-heading "Scale, Design and External Appearance" below.

AGRICULTURAL OCCUPATIONAL DWELLING:

4.5 Paragraph 10 of Planning Policy Statement no.7: 'Sustainable Development in Rural Areas' state "isolated new houses in countryside will require special justification for planning permission to be granted". According to paragraph 1, annex A of this policy, one of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable agricultural full-time workers to live in the immediate vicinity of their place of work. It further states that in some cases due to the nature and demands of the work concerned it is essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work.

4.6 Paragraph 12 of the Annex 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 the following criteria:

- i. clear evidence of a firm intention and ability to develop the enterprise concerned;
- ii. functional need. This is to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times (e.g. if workers are needed to be on hand, day and night).
- iii. clear evidence that the proposed enterprise has been planned on a sound financial basis
- iv. functional need could not be fulfilled by another existing dwelling on the unit,
- v. other normal planning requirements, e.g. on siting and access, are satisfied.

4.7 Due to the size of the proposed free range poultry unit (planning ref. no. 07/01942/FULM), it is accepted that a full time worker should live within very close proximity to the poultry building for supervision and monitoring requirements. These requirements would include the general management of the enterprise, action by a full-time worker in unexpected events (ie. power failure), and site security.

4.8 Having considered that the proposed temporary dwelling would be sited on previously disturbed land of limited agricultural value (Grade IIIb), and that there are no other dwellings in the locality which are available to the business, on balance it is considered that the proposed location is acceptable.

4.9 With the objective of providing clear evidence that the proposed enterprise has been planned on a sound financial basis, a financial analysis has been submitted. Based on gross margin data, organic free range egg production units produce gross margins of £14 per bird after feed and birds. This would equate to a gross margin of £70,000 for the unit (£14 per bird X 5000 birds). After deducting the gross margin of £70,000 from various fixed costs (total fixed costs = £34,500), the projected profit is expected to be £35,500 per annum.

4.10 The total cost of the development would equate to an investment of £120,000 according to the information provided. Therefore, based on the projected profit of

£35,500 per annum it is expected that the enterprise would break-even by 3-and-a-half years. In accordance with the guidance set out in paragraph 18, Annex A of PPS no.7 'Information and appraisals', it is considered by officers that the enterprise has been planned on a sound financial basis such that temporary living accommodation is justified

SCALE, DESIGN AND EXTERNAL APPEARANCE

4.11 The proposed dwelling would be of temporary nature and would be removable. By virtue of its size and its location as described in paragraphs 1.4 and 1.1 above, together with the screening effect provided by the existing hedges, it is not considered that the proposed temporary unit would be visually intrusive. Nor would it conflict with the purposes of including land within the Green Belt.

SUSTAINABILITY

4.12 The temporary dwelling and the enterprise as a whole is proposed to be sited just outside the development limit of Strensall. Due to its close proximity to local services, it is considered that the proposed agricultural dwelling would be sited in a sustainable location.

NATURAL AND HABITAT PROTECTION:

4.13 This application would only have a limited wildlife impact as the application site is on previously disturbed land of limited value. No objections were raised by the Environment and Conservation section in respect of this application.

FLOOD AND DRAINAGE:

4.14 The application site is not within any Flood Zone categories (as defined by the Environment Agency) and the application site is less than 4.0 hectares. Hence the proposal does not require a Flood Risk Assessment.

4.15 Due to its overall area, it is unlikely that the proposed mobile home would increase the risk of flooding. Foss Internal Drainage Board's comments relates largely to the proposed free range egg unit structure.

ACCESS/HIGHWAY SAFETY:

4.16 The proposed mobile home is unlikely to attract a high volume of traffic as it would be used to provide accommodation for one full time worker only. The concerns raised by Highway Network Management and Network Rail are more directly related to the proposed free range egg unit development (07/01942/FULM). Nevertheless, due to the concerns regarding highway safety, the free range egg unit application was recommended for refusal. This has a direct impact on this planning application because there would be no justification for an agricultural full time worker to live in the immediate vicinity of his place of work if such place of work (the proposed free range egg unit) does not exist.

OTHER MATERIAL CONSIDERATIONS:

4.17 Water/electricity/waste/sewerage provision: Due to the size of the proposed temporary mobile home it is unlikely that the facilities required for these services would unacceptably harm the openness of green belt or the amenity of local residents.

4.18 Neighbours' notifications: This was carried out in accordance with the standards set out in the "Publicity for Planning Application" document produced by the Council. This procedure was prepared in line with the standards set out in Circular 15/92 "Publicity for Planning Applications" published by the then Department of the Environment and the Welsh Office.

4.19 Enforcement investigation: The current legislation does not restrict the applicant from submitting a planning application whilst there is currently an enforcement investigation within the same site. This application must therefore be considered on its own merits.

4.20 Submission of two separate planning applications: The applicant is entitled by law to submit two separate planning applications for the two separate developments.

4.21 Noise from generator: due to the size of the caravan it is unlikely that a large generator would be required. Furthermore due to its distance from the surrounding residential dwellings it is likely that the noise level would fall below the background noise level for the area. Hence it is unlikely that the proposal would cause an unacceptable noise concern. In any case provisions do exist within current legislation such as the Environmental Protection Act 1990 to deal with statutory nuisances.

4.22 Having taken the above into account, it is considered that although the proposed development would not cause undue harm to a number of main issues identified. However, due to the recommendation to refuse the proposed free range egg unit, there is no justification for an agricultural full time worker to live in the immediate vicinity of his place of work. As such the proposed siting of a mobile home would conflict with Policy GB7 of the City of York Draft Local Plan 2005. Hence this application is recommended for refusal.

5.0 CONCLUSION

By virtue of the above this application is recommended for refusal.

6.0 RECOMMENDATION: Refuse

1 The refusal of planning permission for application ref: 07/01942/FUL for an organic free range egg unit on the adjacent land would result in there being no agricultural justification for the siting of a temporary dwelling on the site. Thus 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 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:

Contact details:

Author: Billy Wong Development Control Officer

Tel No: 01904 552750