

## North York Moors National Park Authority

<b>Hambleton District</b> <b>Parish: Kilburn High &amp; Low</b>	<b>App No. NYM/2018/0835/OU</b>
<b>Proposal:</b> outline application for the construction of 1 no. dwelling (most matters reserved)	
<b>Location:</b> Fox Hounds Farm, River Lane, High Kilburn	
<b>Applicant:</b> Mr Paul Dean, Orchard House, Oldstead, York, YO61 4BL	
<b>Agent:</b> Paul Elm, 15 Crabmill Lane, Easingwold, York, YO61 3DE	
<b>Date for Decision:</b> 13 February 2019	<b>Grid Ref:</b> 451808 479602

### Director of Planning's Recommendation

**Approval** with the decision delegated to the Director of Planning to clear upon receipt of satisfactory additional information which demonstrates the long term financial viability of the farming business and subject to the following conditions:

1. TIME04 Outline Permission
2. TIME00 The development hereby permitted shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority:
  - i) the siting, design and external appearance of the building, including a schedule of external materials to be used;
  - ii) the means of access to the site; and
  - iii) the existing ground levels and proposed finished floor and ground levels.
3. RSUO06 Agriculture/Forestry Occupancy Condition
4. WPDR01 Withdrawal of all PD Parts 1 & 2 and 14 Classes A to I
5. LNDS00 All soft landscape works comprised in the approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.



North York Moors National Park  
Authority  
The Old Vicarage  
Bondgate  
Helmsley YO62 5BP  
01439 772700

Application Number: NYM/2018/0835/OU

Scale: 1:2500



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**Consultations**

**Parish** – Object for the following reasons:

- There are currently no other residential buildings in this area. The surrounding land is purely agricultural.
- The application does not conform to NYMPA's Local Plan. It is impossible for people who reside in the parish of Kilburn High and Low to obtain planning permission for new homes and historically NYMNPA has resisted the conversion of Ragged Ray, a barn, into a dwelling. The NYMNPA needs to be consistent in its approach to decision making.
- There have been issues where the landowner has blocked access to the Public Rights of Way on the land surrounding the proposed plot and through the field where the house is being proposed. There is concern that the addition of a homestead will increase the occurrence of such activity by the applicant.

Further comments following the revised siting of the dwelling:

Object on the grounds of concerns in regard to a farming/residential development being allowed on green belt land. It is felt that this development will have a continued negative impact on High Kilburn should it be allowed to increase in size again. High Kilburn is a quiet and peaceful hamlet with a narrow and winding road which is unsuitable for large vehicles.

The area and particularly this site is accessed regularly by walkers who are able to enjoy the many routes across fields. In recent years as the land has become used for more livestock, the track and footpaths have become increasingly difficult to access. The track particularly in the vicinity of the proposed farmhouse has become a quagmire, and this situation is not just restricted to winter months, but throughout the year. Machinery and equipment has been left out on the only dry areas where walkers can escape the mess making it difficult to walk through safely and looks incredibly untidy.

**Ward** –

**Site Notice Expiry Date** – 30 January 2019

**Others – Dr & Mrs Wood, Hill Crest, High Kilburn** – Object to the proposed development for the following reasons:

- There are no other residential buildings in this area. When dealing with our own application recently we were advised that new buildings should form part of a farmstead & not be noticeably separated from the hub of the dwelling. We note that the house is separate from the main farm in order to allow for more buildings & dwellings in the future. The NYMNPA must approach this application with the same integrity & justification as was directed to us and be consistent in advice.
- There is a covenant on our land, from 1986, which implies an understanding between the owner of Hill Crest (then Beech House) & the applicant (Mr P Dean) that no residential properties would be built on this land. There is also an agreement within this covenant whereby no buildings should be erected impacting the views from Hill Crest. Conscious that this is vague, we have referred this to our conveyancing lawyer to review at his earliest convenience but wanted to ensure you were aware of our position.

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## **Background**

Fox Hounds Farm comprises a small cluster of agricultural buildings grouped around a yard area, located to the south of River Lane to the east of High Kilburn. The farm is accessed via a track running in a south-easterly direction from the public highway which also serves Weatherill Barn and is a public footpath. A public footpath also runs in a south-westerly direction from the farm track across the field to the south of the farm yard.

Planning permission was recently granted, but has not yet been implemented, for the erection of an open fronted farm building measuring approx. 50 metres by 15 metres, to be constructed with concrete panels and Yorkshire boarding under a corrugated fibre cement sheeted roof. The building has been designed for a multitude of uses but primarily will be used for housing cattle and lambing sheep. It will be located immediately to the south east of the existing buildings.

The farm business extends to 250 acres (101 hectares) of which 65 acres are owned, centred on Kilburn. Of the rented land, 83 acres are rented on a formal agreement (annual grazing licence), the rest on a variety of tenancy agreements. The business is centred on the land owned at Fox Hounds Farm where there are buildings for cattle housing and for feed and machinery storage but currently no dwelling.

The applicant operates a mixed stock farm which is currently laid to grass. Stocking levels are presently 20 breeding Wagyu cows and 15 breeding Wagyu heifers. All male calves are also taken through to finishing, adding to the cattle numbers. The Wagyu cattle are highly valued for the quality of beef they produce. A flock of 240 breeding sheep is also kept at the farm with the resulting lambs being taken through to be finished or sold as strong stores. Surplus forage is also sold as hay or silage, giving the business a means of spreading some risk away from the livestock only enterprise.

This application seeks outline planning permission for the erection of a dwelling in the field immediately to the north of the farmyard and to the west of the Public Right of Way to be occupied in association with the farm. All matters, except for landscaping are reserved for future approval. The application proposes to delineate the house plot with a post and wire stock proof fence with a native hedge of mixed species planted on the garden side. Access will be via the existing field gateway from the access track. The application therefore is primarily to establish the principle of development.

Accompanying the application is an Agricultural Appraisal prepared by Savills Food and Farming Department which covers matters of the current farming enterprise, financial viability, labour requirements, alternative accommodation and functional need.

## **Main Issues**

### **Policy**

The relevant policies of the Core Strategy and Development Policies Document are considered to be Core Policy J and Development Policy 3.

Core Policy J seeks to restrict new housing development in the open countryside to that which is proven as essential for farming, forestry or other essential land management activities.

Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or

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**Main Issues continued**

enhances views into and out of the site; that the scale, height, massing, materials and design are compatible with surrounding buildings and that the standards of design details are high and complement that of the local vernacular;

Paragraph 79 of the NPPF advises that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work.

**Principle**

As Core Policy J supports proposals for new housing in the open countryside when proven to be essential for farming, then it is necessary to establish whether the application has demonstrated such a need in order to satisfy the policy requirements. The Authority has commissioned an independent desk based assessment of the Agricultural Appraisal prepared by Savills in support of the application which concludes that there is an essential functional and labour need for a worker to live permanently on the site meet the current and future needs of the business.

The report by Savills concludes that the current performance of the business is being compromised by the lack of a dwelling on the site. It argues that whilst the applicant presently lives in nearby Oldstead, this is remote from where calving and lambing takes place and too far away to allow proactive management of the farm. Wagyu cattle require 24/7 monitoring and care, and calve on a year round basis. Consequently the applicant is often on site day and night during calving. With regards to the sheep enterprise the applicant is presently lambing later in spring to avoid the bad weather. By having a dwelling on the site this would enable him to adjust the lambing period to produce finished animals when seasonal premiums can be earned thereby improving the financial viability of the business. Furthermore a dwelling on the site would help reduce the incidents of sheep worrying by loose dogs and theft. Despite installing security cameras, this has not deterred thieves and the applicant has been subject to a number of attacks.

In terms of the practical need for a dwelling on the site, the Authority's consultant considers the reasoning given in the report by Savills to be reasonable and using the John Nix farm management pocketbook 47th edition, there is clearly a need for one full-time equivalent labour unit on this farm unit, although it would help to reinforce this if the application was supported by police reports of theft and a letter from the applicant's vet endorsing the need for him to live on site.

However there are anomalies between the figures given in the Design and Access Statement and the Savills report regarding landownership, which need to be clarified, and also between the stocking figures and land area provided in April 2017 to justify the new agricultural shed and those referred to in this application, which were significantly higher two years ago than they are now implying a different farming system now in place. There is no mention in the Savills report of the sort of numbers previously referred to or any plans to expand/increase stock levels or invest in buildings and machinery. Furthermore no explanation is given as to why the agricultural building approved in April 2017 has not yet been erected, and whether this is due to financial constraints.

As such Officers have requested that the report by Savills is strengthened to give the Authority confidence that this is a financially viable business based on the current farming

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**Main Issues continued**

model rather than on theoretical figures; for example, the report should provide details of the current Wagyu cattle, the premiums achieved, markets and applicant's skills raising a premium product so as to illustrate that the business is viable and actually has a forward business plan. It should also include information regarding investments in machinery, livestock etc. to give the Authority confidence that the applicant is investing in developing a sustainable long term business.

Unfortunately the Authority's consultant has concluded that whilst the information provided illustrates there is a practical need for an agricultural dwelling, it does not portray a clear long term vision for how the business is going to develop to justify approving a dwelling on the site. As such it is recommended that should Members be satisfied with the proposed siting of the dwelling, that the application be deferred for the Director of Planning to approve upon receipt of satisfactory additional information which demonstrates the long term financial viability of the farming business.

**Siting**

The location of the proposed dwelling has been chosen to be well related to the existing agricultural activity and to provide security for the farm at the entrance to the farmyard. In landscape terms it would be located close to the existing buildings on the holding in the field immediately to the north and in the lea of the hillside where the land is relatively flat and well screened by existing hedgerows. Whilst a dwelling in this location will be visible from the adjacent Public Rights of Way, it would be viewed in the context of the existing built development at Fox Hounds Farm and against a backdrop of rising land such that it will not to appear unduly prominent or isolated in the wider landscape.

**Impact on the Public Rights of Way**

The Authority's Ranger for the area has commented that over recent years the condition of the public footpaths which meet at Fox Hounds Farm have deteriorated due to regular passing and re-passing of farm machinery and that the condition has been such at times that walking through the farm has been impractical without wellington boots. They express concern that introducing domestic traffic to this existing situation will potentially further deteriorate the public amenity of the Public Rights of Way in this area and request the submission of a plan for managing the Public Rights of Way in this location prior to development taking place.

Officers are aware that at certain times of the year the site is very wet and the PROW becomes almost impassable in walking boots however it is considered that this is a matter to be addressed separately rather than through this application. The domestic traffic generated by the proposed dwelling is unlikely to cause further deterioration to the PROW given the existing vehicles movements about the site and the fact that the applicant already has to visit the site several times a day from Oldstead. In fact traffic movements would potentially decrease if the applicant was to reside on site.

**Other Matters**

In response to the Parish Council's objections, it is important to differentiate between this application and the historical situation at Ragged Ray in the same parish. Ragged Ray is a range of derelict farm buildings located out with the built up area of the village. Given the state of repair the Authority has always taken the view that they are not capable of conversion without total rebuilding and in effect any dwelling on this site would therefore be a new build. Given that there has never been a proven need for an agricultural or forestry

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**Main Issues continued**

workers dwelling on this site, any new housing development would be contrary to Core Policy J. This application currently under consideration is also for a new build dwelling out with the built up area of the village but is supported by an agricultural appraisal which demonstrates an essential need to live on the site arising from the farming enterprise.

The housing policies applicable to Kilburn are the same as those applied in villages across the National Park: Local needs housing is supported on infill plots or as a conversion of an existing dwelling and proposals for new dwelling in the open countryside surrounding the village are met with the same resistance as elsewhere in the National Park. In view of the nature of the Parish council's comments officers are happy to attend a future parish council meeting to explain the Authority's housing policies.

**Conclusion**

It is considered that the applicant has over the past few years built up a sustainable business at Fox Hounds Farm with the renting and purchase of more land around the farm. This does mean however that the location of the applicant's current house in Oldstead is too remote from the focus of the livestock business and that the applicant needs to be within sight and sound of the livestock buildings on the site. As such a dwelling on the site is considered essential for the effective management of the farming enterprise although further evidence that this is a financially sound business that can support a dwelling is needed before approval can be given.

**Contribution to Management Plan Objectives**

Approval is considered likely to help meet Policy E3 which seeks to ensure new development does not have a detrimental impact on the landscape of the National Park.

**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.