

## 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>
--	---------------------------------

**Proposal:** outline application for the construction of 1 no. dwelling (most matters reserved)

**Location:** Fox Hounds Farm, River Lane, High Kilburn

**Applicant:** Mr Paul Dean, Orchard House, Oldstead, York YO61 4BL

**Agent:** Paul Elm, 15 Crabmill Lane, Easingwold, York YO61 3DE

**Date for Decision:** 13 February 2019

**Grid Ref:** 451808 479602

### Director of Planning's Recommendation

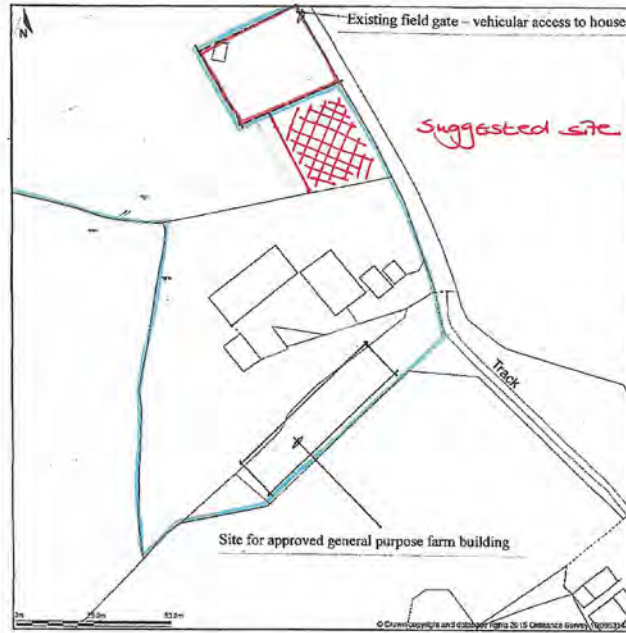
**Approval** subject to the following conditions:

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.

# Officer Plan



River Lane End, River Lane, York, YO61 4AJ



Site Plan shows area bounded by: 451826.8004492,478250,77152251,425095.9004492,478420,77152051 (at a scale of 1:1250). The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.  
Produced on 3rd Sep 2015 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2015. Supplied by buyaplans.co.uk a licensed Ordnance Survey partner (100052143). Unique plan reference: 80074921-829787  
Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Buy A Plan logo, pdf design and the buyaplans.co.uk website are Copyright © Peas Inc Ltd 2015

Outline application for the construction of a Farmhouse at Fox Hounds Farm, High Kilburn

Site plan

Scale 1:1250

November 2018



---

**Application No: NYM/2018/0835/OU**

---



---

**Application No: NYM/2018/0835/OU**

---

**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 NYMNPAs has resisted the conversion of Ragged Ray, a barn, into a dwelling. The NYMNPAs need 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.

**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 NYMNPAs 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.

**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.

---

**Application No: NYM/2018/0835/OU**

---

**Background continued**

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 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 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 55 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. Paragraph 58 advises that planning decision should ensure that developments add to the overall quality of an area; respond to local character; and are visually attractive as a result of good architecture and appropriate landscaping.

**Principle**

Fox Hounds Farm is a financially sound enterprise having been established in 2010, and according to the supporting Agricultural Appraisal now generates a labour need of 1.1 full-time workers based on the Agricultural and Budgeting Costings Book May 2018.

---

**Application No: NYM/2018/0835/OU**

---

**Main Issues continued**

Whilst it is a viable business making a profit, the agent considers that performance is currently being compromised by the lack of a dwelling on the site. 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.

It is clear therefore that there is an essential need for the applicant to live within sight and sound of the farm yard to meet the current and future needs of the business and as such a dwelling is supported in principle.

There are no traditional buildings on the farm suitable for conversion to a dwelling and no other available dwellings nearby that would meet the functional needs of the business. Therefore it is considered that there is a functional need for a dwelling on the holding which can be financially supported by this established farm business in accordance with Criteria 3 of Core Policy J.

**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.

**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. 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 and in effect any dwelling on this site would be a new build. Given that there has never been a proven need for an agricultural or forestry 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.

---

**Application No: NYM/2018/0835/OU**

---

**Conclusion**

It is considered that the applicant has over the past few years built up a sustainable and financially sound 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 of the site is considered essential for the effective management of the farming enterprise and approval is recommended.

**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.