



# The Planning Inspectorate

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Mrs J Cavanagh  
North York Moors National Park  
Authority  
Development Control Support  
Officer  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Your Ref: NYM 2008 0874 FL  
Our Ref: APP/W9500/A/09/2105279/NWF  
Date: 23 September 2009

NYMNPA  
23 SEP 2009  
CS

Dear Mrs Cavanagh

**Town and Country Planning Act 1990  
Appeal by Paul Heaven  
Site at Cobb Farm, Staintondale Road, Ravenscar, Scarborough, YO13 0ER**

I enclose a copy of our Inspector's decision on the above appeal.

Leaflets explaining the right of appeal to the High Court against the decision, our complaints procedures and how the documents can be inspected are on our website – [www.planning-inspectorate.gov.uk/pins/agency\\_info/complaints/complaints\\_dealing.htm](http://www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm) - and are also enclosed if you have chosen to communicate by post. If you would prefer hard copies of these leaflets, please contact our Customer Services team on 0117 3726372.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit  
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Phone No. 0117 372 8252  
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Yours sincerely

Amy Dryell



COVERDL1

*You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>  
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*

NYMNP  
23 SEP 2009



# Appeal Decision

Hearing held on 15 September 2009

Site visit made on 15 September 2009

by **Karen Baker** DipTP MA DipMP MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
**23 September 2009**

**Appeal Ref: APP/W9500/A/09/2105279**

**Cob Farm, Staintondale Road, Ravenscar, North Yorkshire YO13 0ER**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Paul Heaven against the decision of the North York Moors National Park Authority.
- The application Ref. NYM/2008/0874/FL, dated 20 October 2008, was refused by notice dated 29 January 2009.
- The development proposed is the siting of a mobile home for occupation as a temporary agricultural worker's dwelling.

## Procedural Matters

1. Although the application and appeal forms refer to the appeal site as 'Cobb Farm', it was apparent from my site visit and other documentation that the spelling is as included above.
2. At the hearing, the appellant stated that following advice from local farmers he was intending to alter his proposed pig breeding enterprise to incorporate 50 breeding sows, rather than 100, and to breed highland cattle from his existing 6 cows and one bull. In addition, he stated that rather than a predominantly outdoor pig breeding and rearing enterprise, much of the proposed operation would be indoors, within the existing stable building. The National Park Authority confirmed that it was unaware of these changes to the proposed enterprise and may have consulted more widely on such proposals, particularly including the Environment Agency, given the nature of an indoor operation. In addition, the National Park Authority considered that such an operation may have generated a different response from the Highway Authority. In my opinion, the alternative enterprise, put forward by the appellant at the hearing, differs substantially from the original proposal that is before me. It would therefore be prejudicial to the interests of these agencies and third parties for me to consider this alternative, as they have not had the opportunity to comment on it. I have, therefore, considered the appeal on the basis of the enterprise as originally proposed.

## Decision

3. I dismiss the appeal.

## Main Issues

4. The main issues in this appeal are:
  - a) the effect of the proposed development on the character and appearance of the surrounding area; and,



- b) whether or not the agricultural arguments in support of the proposed siting of a mobile home in this location are sufficient in this case to justify an exception to policies designed to protect the countryside.

### **Planning Policy**

5. The development plan for the area includes the North York Moors National Park Authority Local Development Framework Core Strategy and Development Policies, adopted in November 2008. Amongst other things, Core Policy J restricts new housing development in the open countryside to that which is proven as essential for farming. Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park.
6. Government guidance in Planning Policy Statement (PPS) 7: Sustainable Development in Rural Areas seeks to strictly control new housebuilding (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans. Isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, the advice in Annex A to PPS 7 should be followed. Paragraph 12 of Annex A says that if a new dwelling is essential to support a new farming activity, whether on a newly created agricultural unit or an established one, it should normally, for the first 3 years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation and should satisfy a number of criteria. These are that there is clear evidence of a firm intention and ability to develop the enterprise concerned; a functional need; clear evidence that the proposed enterprise has been planned on a sound financial basis; the functional need could not be fulfilled by an existing suitable dwelling in the area; and, it should satisfy other normal planning requirements.

### **Reasons**

#### *Character and Appearance*

7. The appeal site is located in open countryside on the south western side of Staintondale Road, to the north west of Wellfield Farm. The proposed mobile home would be around 6.1m x 12.2m. It would have an eaves height of around 2.3m and would be around 3m high to the ridge. The proposed mobile home would be sited to the east of the existing stables and storage building at Cob Farm, within a grassed island bounded by the access road and turning area. Although built development along this highway is scattered, most dwellings are set back from the road. The proposed mobile home, however, would be set forward of the established building line of these existing dwellings, in an elevated position.
8. Although some screening from boundary planting exists, given the scale, height, mass and siting of the proposed mobile home, it would appear prominent and visually obtrusive when viewed from Staintondale Road, to the detriment of the character and appearance of the area.
9. I conclude, therefore, that the proposed development would harm the character and appearance of the surrounding area. As such, it would be

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contrary to Development Policy 3 of the Core Strategy and Development Policies.

*Agricultural Justification for the Proposed Mobile Home*

10. Cob Farm extends to around 7.3 hectares (18 acres) of grassland divided into 3 paddocks, with a brick stable building, with 11 stalls and tack room, and a general purpose barn. The appellant stated at the hearing that the proposed mobile home would provide accommodation for him and his wife, who would manage the day to day running of the pig breeding and rearing enterprise. At the time of my site visit, the livestock present on the farm included 6 Highland cows and their calves, one Highland bull, 6 Saddleback cross sows, 4 saddleback sows, one saddleback cross boar, 6 horses (all owned by the appellant's wife) and 14 hens.
11. The proposed outdoor pig breeding and rearing enterprise would include keeping 100 breeding sows on the holding, rearing the progeny to around 30kg live weight and then selling them for finishing elsewhere. The Agricultural Appraisal and Planning Statement submitted by the appellant with his planning application indicates that the average stocking density for outdoor pigs is around 20 sows per hectare (8 per acre) and as such the enterprise would require around 5 hectares (12.5 acres).
12. The land associated with Cob Farm generally slopes downwards from north east to south west, with some elevated areas. There are some areas of decent grassland, particularly in elevated positions, and some areas of very wet land, mainly lower lying and towards the south west, close to the stream. The National Park Authority's Assessment of Need refers to the soil survey of England and Wales, which categorises the land around Cob Farm as being Class 4ws, which it says is characterised by slowly permeable loamy over clayey or clayey soils over shale or in an associated drift, mainly on gentle slopes. This type of land is prone to poaching and is poorly drained. At the hearing and during the site visit, only 3 or 4 small areas of land at Cob Farm were identified that would be suitable for keeping outdoor pigs throughout the year. Given the size of these areas, it would be unlikely that there would be sufficient free draining land on the appellant's holding to accommodate 100 sows. Indeed, the appellant confirmed at the hearing that this was the reason for his proposal to reduce the number of sows kept to 50 and for much of that operation to be carried out indoors.
13. The National Park Authority's Assessment of Need highlights the importance of rotating the land every 18 to 24 months when keeping outdoor pigs. Given the amount of land available, along with the extent of the poorly drained areas, I consider that it would be unlikely that the appellant would have sufficient land available to do this.
14. The appellant has invested a considerable amount of time and money in cleaning up the site since he purchased it. I also note the investment in the existing livestock and machinery. At the hearing the appellant confirmed that the pigs were purchased for around £100-£150 each, the cattle were around £400 each and £1700 was spent on a tractor and trailer. In total this would amount to around £6150. Although this is a large sum of money, in my

opinion, given the scale of the enterprise proposed, it would not represent a significant investment.

15. From the evidence before me, therefore, I am not satisfied that the appellant has provided clear evidence of a firm intention and ability to develop the enterprise concerned in accordance with the advice in paragraph 12(i) of Annex A to PPS 7.
16. The appellant considers that it is essential for the proper functioning of the enterprise for one worker to be readily available at most times. The advice in paragraph 4 of Annex A to PPS 7 suggests that such a requirement might arise, for example, if workers are required to be on hand day and night in case animals require essential care at short notice. At the hearing the appellant confirmed that a presence on site would be necessary to deal with difficulties that may arise during farrowing and lactation, the welfare of newly weaned piglets and fighting and aggression. I also acknowledge the appellant's intention to work within the Animal Welfare Act. At present the appellant's wife sleeps in the barn when necessary. At the hearing she stated that this amounted to 2 nights a week on average. I understand that during any overnight stays checks are made on the livestock every 3-4 hours and that the sound of the pigs squealing would also initiate a check of the stalls.
17. The appellant is concerned that such a presence on the farm is also necessary in terms of security. The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it would not by itself be sufficient to justify one. I acknowledge that the livestock may be at risk of theft or harm. However, at the time of my site visit there was little on site security.
18. I have no evidence before me to show that alternative security or monitoring measures have been fully considered. Although it would be beneficial to the appellant for someone to be present on site, I am not satisfied, from the evidence before me, that it would be essential for the proper functioning of the enterprise for a worker to be readily available at most times. In my opinion, improved security and occasional out of hours attendance would be sufficient to protect the livestock from theft or harm. As such, I am not satisfied that the appellant has proven that a functional need exists in accordance with the advice in paragraph 12(ii) of Annex A to PPS 7.
19. At the hearing the appellant stated that the business broke even over the last financial year. A whole farm budget for the proposed enterprise was submitted by the appellant as part of the planning application. This predicts that the farm profit would be around £22,945. I note that the gross margin figures used within this budget were taken from the Farm Management Pocketbook by John Nix, 39<sup>th</sup> Edition 2009. At the hearing the National Park Authority stated that the figures used were average figures for enterprises undertaken on appropriate land. The National Park Authority is concerned that the proposed pig rearing and breeding enterprise would be carried out on unsuitable land which would potentially lead to a reduction in production levels, with the output per sow less than predicted. As such, the enterprise would perform below average and its gross margin figures would be less than those anticipated. In addition, no allowance for labour costs has been included within the budget.

20. In my opinion, given the quality of the land and the limitations that this would place on the proposed enterprise, the total number of sows likely to be accommodated and their output would be lower than anticipated within the whole farm budget. I am not satisfied that there is clear evidence, therefore, that the enterprise has been planned on a sound financial basis in accordance with the advice in paragraph 12(iii) of Annex A to PPS 7.
21. The appellant and his wife currently live in Hunmanby Gap, around 19 miles from the appeal site. I acknowledge that they would prefer to live closer to their enterprise. At the hearing the National Park Authority confirmed that during the last few years a number of properties have become available in the local area for sale or rent. Indeed there are currently properties available close by. The appellant did not dispute this, but stated that he could not afford to buy or rent these properties. I understand that the appellant's existing dwelling in Hunmanby Gap is currently on the market and has been for sale for around 2 years without success. The appellant confirmed at the hearing that if he sold his existing home he would be able to buy or rent a property in the local area.
22. Although the appellant's statement suggests that there are no dwellings in the locality which are either available to the business or would satisfy its functional requirements, I have no evidence before me that would support this. Indeed, it was apparent from the hearing that there is other existing accommodation in the area which would be suitable and available for occupation by the appellant. As such, in my opinion, the appellant has not demonstrated that the functional need of the enterprise could not be fulfilled by such accommodation in accordance with the advice in paragraph 12(iv) of Annex A to PPS 7.
23. Although the Highway Authority has no objection to the proposed mobile home, I am concerned that its siting would have a harmful impact on the character and appearance of the area, for the reasons stated above. As such, other normal planning requirements would not be satisfied in accordance with the advice in paragraph 12(v) of Annex A to PPS 7.
24. The proposed mobile home would be substantial and include 3 bedrooms. Paragraph 9 of Annex A to PPS 7 says that agricultural dwellings should be of a size commensurate with the established functional requirement. In my opinion, the scale of the mobile home proposed would be unusually large in relation to the agricultural needs of the enterprise.
25. Paragraph 13 of Annex A to PPS 7 says that authorities should not normally give temporary permissions in locations where they would not permit a permanent dwelling. The National Park Authority confirmed at the hearing that it would not permit a permanent dwelling in this location, given the division of the farmhouse from this area of land around 10 years ago. Although the subdivision of Wellfield Farm was not under the control of the appellant, I note that he was informed of the National Park Authority's position on this matter prior to purchasing the land.
26. I conclude, therefore, that the agricultural arguments in support of the proposed siting of a mobile home in this location are not sufficient in this case to justify an exception to policies designed to protect the countryside. As such,

the proposed development would be contrary to Core Policy J of the Core Strategy and Development Policies and the advice in Annex A to PPS 7.

27. I have considered all the other matters raised, including the handling of the planning application by the North York Moors National Park Authority, the payment of Council Tax and Water Rates at the address, the inclusion of the appellant and his wife on the electoral roll at this address, and the appellant's willingness to compromise by relocating, and reducing the size of, the caravan, as well as moving the pig breeding compound away from his neighbour's property, but none changes my overall conclusion that the appeal should be dismissed.

*Karen Baker*

INSPECTOR





**APPEARANCES**

FOR THE APPELLANT:

Mr P Heaven	Appellant
Mrs H Heaven	Appellant's Wife



FOR THE LOCAL PLANNING AUTHORITY:

Mrs H Saunders	Planning Officer, North York Moors National Park Authority
Mr F Hugill	Head of Conservation Management, North York Moors National Park Authority

INTERESTED PERSONS:

Miss A Halliday	Local Resident
Mrs S Dootson	Local Resident

**DOCUMENTS**

- 1 Notification letter sent by the North York Moors National Park Authority to interested parties
- 2 Responses to the notification letter
- 3 Appellant's statement
- 4 National Park Authority's statement

**PLANS**

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|------|--|
| A1/1 | Location Plan (Drawing No. IP/PH/01)             |
| A1/2 | Block Plan (Drawing No. IP/PH/02)                |
| A1/3 | Floor Plan and Elevations (Drawing No. IP/PH/03) |