



The Planning Inspectorate

28 \$ 29

3/25 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728629
Switchboard 0117-3728000
Fax No 0117-3728624
GTN 1371-8629

Miss F A Ward (The National Park Officer)
N Yorks Moors N P Authority
The Old Vicarage
Bondgate
Helmsley
York,
YO6 5BP

Your Ref: NYM4/31/95B/PA
Our Ref: APP/W9500/A/01/1071829
APP/W9500/A/01/1071830
Date: 1 February 2002

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEALS BY MR A C CRAMPTON-LORD FOSTON
SITE AT HONEYSUCKLE FARM, POKEHAM BROW, SNEATON**

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

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

Quality Assurance Unit
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

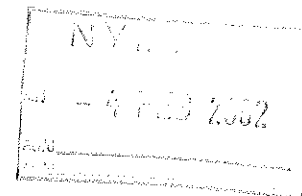
Fax No. 0117 372 8139

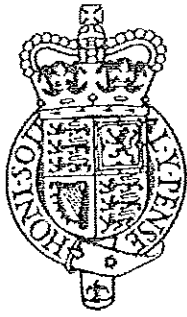
E-mail: Complaints@pins.gsi.gov.uk

Yours faithfully


P.P. Mr Tim Mather

COVERDL1





Appeal Decision

Hearing held on 18 December 2001

by Karen McCabe BA(Hons) MTP MRTPI

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Planning Inspectorate
409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquires@planning-
inspectorate.gsi.gov.uk

Date

01 FEB 2002

Appeal 1 - Ref: APP/W9500/A/01/1071829 Honeysuckle Farm, Pokeham Brow, Sneaton

- 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 A C Crampton-Lord Foston against the decision of the North Yorkshire Moors National Park Authority.
- The application (Ref. NYM4/031/0095B/PA), dated 25 April 2001, was refused by notice dated 27 July 2001.
- The development proposed is retention of caravan.

Summary of Decision: The appeal is dismissed.

Appeal 2 - Ref: APP/W9500/A/01/1071830 Honeysuckle Farm, Pokeham Brow, Sneaton

- 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 A C Crampton-Lord Foston against the decision of the North Yorkshire Moors National Park Authority.
- The application (Ref. NYM4/031/0095A/PA), dated 25 April 2001, was refused by notice dated 27 July 2001.
- The development proposed is erection of dwelling house.

Summary of Decision: The appeal is dismissed.

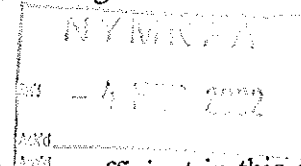
Procedural Matters

1. I note the dispute between the parties about whether or not the greenhouses, sheds and other structures used for agriculture on the appeal site (excluding the barn) are lawful development. However this is not a matter that is before me in dealing with these appeals.

Main Issues

2. I consider the main issues with both these appeals to be :

- Whether the agricultural arguments in support of the proposals are sufficient in this case to justify an exception to policies designed to protect the countryside.
- The effect of the proposals on the character and appearance of the surrounding countryside having regard to the location in the North York Moors National Park.



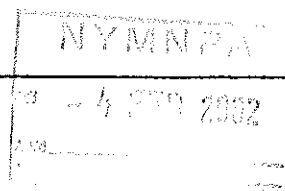
Planning Policy

3. The statutory development plan comprises the North Yorkshire County Structure Plan approved in 1995 and the North York Moors Local Plan adopted in 1992. Structure Plan policy E1 states that within the National Park there will be a presumption against new development except where it can be shown to be necessary in that location. The policy requires any development that is permitted to have a high standard of design, using appropriate materials and paying due regard to the setting. Structure Plan policy H5 does not normally permit isolated residential development which is not related to an existing settlement unless (among other factors) it can be shown to be essential to the needs of agriculture or forestry.
4. Local Plan policy G1 states that within the National Park priority will be given to the conservation of the landscape and new development will not normally be permitted except where it can be shown to be necessary in that location. Policy G2 seeks to ensure that proposed developments will help to preserve and enhance the natural and built environment of the National Park. Policy H5 states that new housing development in the countryside will not normally be permitted unless it is necessary to meet the proven accommodation needs of persons working in agriculture and the need cannot be met in an existing settlement, an existing building or through an existing planning permission. Proposals which satisfy the required criteria should be located within or adjacent to a group of agricultural buildings. The policy says that housing in more isolated locations will only be permitted where the site is justified by exceptional circumstances relating to operation of the agricultural unit.
5. Local plan policy F1 sets out detailed criteria for the assessment of agricultural workers' dwellings. These include among others that the siting of any new house should seek to minimise any potential adverse impact on the landscape of the National Park and that a dwelling on a new holding will not necessarily be allowed where the need can only be justified by the introduction of intensive forms of agriculture which could cause demonstrable harm to the National Park landscape.
6. The revised deposit Local Plan was published in March 2001. Policy GP3 expects development to meet certain criteria, including design which respects or enhances the character, special qualities or distinctiveness of the locality and wider landscape. The policy states that in terms of type of use and level of activity, proposals, either individually or cumulatively, should not have an unacceptable impact upon (among other factors) the locality and wider landscape. Policy F1 sets out detailed criteria for the assessment of new permanent agricultural workers' dwellings while policy F2 relates to temporary agricultural workers' dwellings. An objection has been lodged to policy F1 prior to the Local Plan Inquiry. While I note that both policies F1 and F2 broadly reflect the thrust of national planning policy guidance, I consider that details of these policies may be subject to change. Having regard to the advice in Planning Policy Guidance Note 1: General Policy and Principles, this limits the weight which I am able to attach to the emerging local plan as a material consideration.
7. In determining both these appeals I have had regard to Planning Policy Guidance Note 7: The Countryside – Environmental Quality and Economic and Social Development (PPG 7) which I consider to be an important material consideration. Annex I of PPG 7 sets out tests for assessing proposals for temporary and permanent agricultural workers' dwellings.

Reasons

Agricultural Arguments

8. Honeysuckle Farm is a holding of some 14 hectares on high ground about 2 kilometres south of Sneaton immediately to the east of the B1416. It was confirmed at the hearing that although purchased in 1989, it was leased to Knaggy House Farm and managed as part of that enterprise until 1997, when it became a separate holding farmed by the Appellant. Since the site lies in open countryside within the North York Moors National Park an essential agricultural need must be demonstrated to justify both retention of the caravan and erection of a new dwelling.
9. The Appellant started to develop a mixed agricultural enterprise of livestock, hay, fruit and vegetables on the appeal site. In the last year he has decided to move to a primarily horticultural enterprise raising trees, shrubs, vegetables, house and bedding plants for sale, with some hay and grass for silage and a small flock of free-range hens. It was confirmed at the hearing that these are the activities on which the appeals are based.
10. The appeal site contains a purpose-built agricultural barn, next to which the caravan is located. It was agreed at the hearing that there are some 150 square metres of greenhouses adjoining the barn, as well as storage containers, small sheds and other structures. Most of the greenhouses are covered in polythene, with one of mesh and a small glass house.
11. PPG 7 advises that both temporary and permanent agricultural dwellings should satisfy a functional need which could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. Paragraph I6 states that a functional need arises if it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times, for example to deal quickly with emergencies that could otherwise cause serious loss of crops or products. It was established at the hearing that the functional need in this case relates to the operation of the greenhouses which are used to raise seedlings and grow house and bedding plants. It was confirmed that at any one time the greenhouses contain a range of plants with different degrees of vulnerability to changes in temperature. The Appellant states that to protect the most vulnerable plants a response to sudden temperature changes is required within half an hour.
12. I acknowledge that the Appellant runs a low technology enterprise. Nevertheless in the absence of any evidence of the feasibility of installing automatic monitoring systems to control the heating and ventilation of the greenhouses I judge that the need for manual checking of the temperature and humidity has not been established. Furthermore I saw that the mesh greenhouse is unheated. Given the relatively small size of the four heated greenhouses, and that each contains separate heating equipment, together with the range of plants grown, I consider that if a heater were to fail or a greenhouse to be damaged serious loss of a large number of plants would be unlikely. Taking all these factors into account I conclude that a functional need in relation to management of the greenhouses has not been clearly established.
13. As regards field crops, I consider these to be sufficiently robust that immediate attention in response to changes in weather conditions is unlikely to be necessary. While the hens are free-range, I note that there are workers on site during the day to oversee their welfare. No evidence was submitted to suggest that they require any particular attention after being



penned at night. I note that the Appellant has experienced both theft and vandalism at the appeal site, but in my view security is not in itself a sufficient justification for an on-site presence.

14. Furthermore the appeal site is on a well-maintained B road. It was agreed at the hearing that Sneaton, Ruswarp and Whitby are less than 15 minutes drive away. From the information provided and not disputed these settlements appear to contain a range of available accommodation. Whether or not Park Bungalow is currently available, I consider there to be the possibility of suitable accommodation in the locality from which the appeal site would be readily accessible within the required response time of half an hour. For these reasons I conclude that the functional need for an agricultural worker to live at the appeal site has not been clearly established.

APPEAL 1

15. PPG 7 paragraph I14 advises that proposals for temporary agricultural dwellings should not only satisfy a functional test but also be based on clear evidence of a firm intention and ability to develop the enterprise and that it has been planned on a sound financial basis. It was agreed that the existing barn was erected well before the Appellant began farming Honeysuckle Farm in 1997. From the scale, nature and condition of the other structures at the appeal site I judge that limited investment has been made in the enterprise since that date. The Appellant stated at the hearing that around £2000 has been spent in the past year on machinery to support the horticultural enterprise. He confirmed that no further investment in land, barn, polytunnel, livestock or machinery is now proposed. Although the Appellant participates in an employment-training programme, I note that this takes the form of relatively short-term work placements on the holding. I consider therefore that while it may provide a valuable local service, it does not in itself indicate a long-term commitment to continuing the enterprise. Notwithstanding the low technology nature of the farm, in my assessment the very low level of both past and proposed investment does not demonstrate a sound basis for the enterprise or clear evidence that it would continue.
16. The Appellant has submitted estimated turnover figures for 2001. However in the absence of any income and expenditure accounts, complete stock records or a business plan I consider that evidence of the financial basis of the enterprise has not been established. Moreover while the Appellant is seeking to develop produce sales through advertising and a delivery service, he is unable to provide any financial details or a formal marketing strategy for his current or projected sales programme. I conclude that insufficient evidence has been provided to show that the enterprise has been planned on a sound financial basis. The absence of a firm intention to develop the enterprise supports my opinion in respect of the functional test.
17. I conclude that the requirements for a temporary agricultural worker's dwelling set out in PPG 7 have not been met. In my view a time-limited permission for retention of the caravan as suggested by the Council would not therefore be appropriate. A clear need for retaining the caravan in this location has not been established that would justify such a development in the National Park countryside. The proposal would not therefore accord with Structure Plan policies E1 and H5 or Local Plan policies G1 and H5. It would conflict with policy F2 of the emerging local plan and the advice in PPG 7.

APPEAL 2

18. PPG 7 paragraph I5 advises that new permanent dwellings should only be allowed where there is a clearly established existing functional need and that this need relates to a full time worker. The Appellant stated at the hearing that the horticultural business employed more than one full time worker, although he provided no evidence of how much time is required specifically to manage the greenhouses. However an existing functional need for a worker to live on the appeal site has not been established.
19. PPG 7 paragraph I5 also requires the agricultural activity to have been established for at least three years, to have been profitable for at least one of them, to be currently financially sound and to have a clear prospect of remaining so. Given that the horticultural business which forms the basis of this appeal has only been in operation for a year, and that no information has been provided about its profitability, I consider that it fails to meet this financial criterion. Furthermore in the absence of income and expenditure accounts or a business plan there is no evidence before me of the financial basis for the enterprise or of its future prospects. I conclude that the financial need for a new dwelling has not been established.
20. Furthermore although the Appellant indicated at the hearing that the proposed dwelling could be financed from borrowing and from existing capital, this does not mean that it is unnecessary to relate the income likely to be generated by the horticultural enterprise in the future to the financial burden created by the development. The absence of any financial analysis strengthens my conclusions in respect of the financial test.
21. I conclude that the functional and financial requirements for a permanent dwelling for an agricultural worker set out in PPG 7 have not been met. A clear need for a new dwelling has not been established that would justify such a development in the National Park countryside. It would not accord with Structure Plan policies E1 and H5 and Local Plan policies G1 and H5. The development would conflict with policy F1 of the emerging local plan and the advice in PPG 7.

Character and Appearance

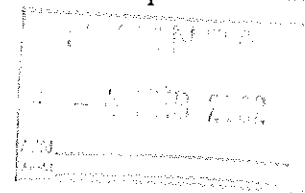
22. PPG 7 paragraph 4.5 advises that great weight should be given to the conservation of the natural beauty of the countryside in National Parks. The siting and scale of the existing caravan is such that I consider that it is screened from view along the B road by the barn and to a certain extent by the adjoining woodland. However given the elevated position of the appeal site, I judge that the caravan is likely to be visible over a wide area of open farm and moorland to the east. While the development could be screened by landscaping as proposed by the Appellant, I consider that this would be unlikely to completely hide the caravan from all viewpoints. It would continue to appear as an incongruous feature in the landscape which in my assessment is detrimental to its appearance.
23. Turning to the proposed dwelling, the Council agreed at the hearing that the design, scale and materials would be in keeping with the character of the National Park, and suggested that details could be controlled by condition. While the dwelling would be sited next to the existing barn, I consider that its height in relation to the barn would be such that it would be visible from the road and from an extensive area to the east. Although the site could be landscaped as suggested by the Appellant, I judge that this would not totally screen the dwelling from view. In my assessment a dwelling in this isolated and elevated position

would appear an incongruous feature in the upland landscape and would detract from its character.

24. The justification for both the caravan and the proposed dwelling is a horticultural enterprise which is an intensive form of agriculture. I acknowledge that the Appellant has no immediate intentions of placing further structures on the site. Moreover any additional protective structures such as polytunnels and greenhouses which may be required for the enterprise in the future would be a matter for the Council to consider against the policies of the development plan and relevant material considerations at that time. Nevertheless I consider that the existing greenhouses and storage containers used in connection with horticulture appear as alien and intrusive features in this otherwise open landscape of large fields. Notwithstanding the adjoining woodland and barn, given their elevated position they are likely to be visible over a wide area to the south, which I judge to detract from the appearance of the landscape. This adds weight to my conclusions on the visual impact of the caravan and proposed dwelling house.
25. I acknowledge that both appeal proposals would include a scheme of environmental improvements to the site. However in my judgement this would be insufficient to outweigh the harm that would be caused to the natural beauty of the National Park landscape by the developments. I conclude that both proposals would be materially harmful to the character and appearance of the surrounding countryside. They would be contrary to Structure Plan policy E1 and Local Plan policies F1 and G2. They would conflict with policy GP3 of the emerging local plan and the advice in PPG 7.

Human Rights

26. I am conscious that dismissing these appeals may place an onus on Mr Crampton-Lord Foston to find alternative accommodation. This could be regarded as an interference with his right to a home and private and family life and peaceful enjoyment of his possessions as set out in Article 8 and Article 1 of the First Protocol respectively of the European Convention on Human Rights.
27. However that interference must be balanced against the public interest in pursuing the legitimate aims stated in Article 8, particularly the economic well being of the country which includes the preservation of the environment. The objections to inappropriate development in the open countryside, particularly in a nationally recognised and protected landscape, are serious and cannot be overcome by conditions. The agricultural arguments advanced are not sufficient to justify the granting of a temporary permission. The public interest can only be safeguarded by the refusal of permission for both developments. In all the circumstances I consider that these refusals are necessary in a democratic society in furtherance of the legitimate aims stated. They do not place a disproportionate burden on Mr Crampton-Lord Foston. I therefore consider that dismissal of the appeals would not result in a violation of his rights under Article 8 of the Convention.
28. For the same reasons I consider that any interference with the peaceful enjoyment of his possessions would be proportionate and would strike a fair balance in compliance with the requirements of Article 1 of the First Protocol.



Conclusions

29. For the reasons given above and having regard to all other matters raised, I conclude that both appeals should fail.

Formal Decision

Appeal 1

30. In exercise of the powers transferred to me, I dismiss the appeal.

Appeal 2

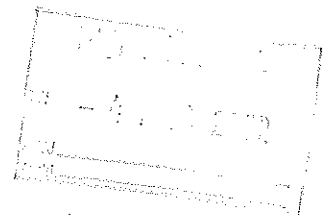
31. In exercise of the powers transferred to me, I dismiss the appeal.

Information

32. A separate note is attached setting out the circumstances in which the validity of any of these decisions may be challenged by making an application to the High Court within 6 weeks from the date of the decision.

Karen McCabe

INSPECTOR



APPEARANCES

FOR THE APPELLANT:

Mr S Hesmondhalgh BA(Hons) Principal, JHS Planning, 14 High Street, Yarm TS15
MRTPI 9AE
Mr A C Crampton-Lord Foston Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Mark Southerton BA MRTPI Development Control Manager

INTERESTED PERSONS:

Mrs Freda Wilkinson Sneaton Parish Council

DOCUMENTS

- Document 1 List of persons present at the hearing.
- Document 2 Council's letters notifying of appeals and hearing and list of persons notified.
- Document 3 Statement by Sneaton Parish Council submitted by Mrs Wilkinson.
- Document 4 Letter from Cordelia Stamp dated 17 December 2001 submitted by the Appellant.
- Document 5 Petition with 76 signatures in support of developments submitted by the Appellant.
- Document 6 Update on stocking levels 17 December 2001 submitted by the Appellant.

PLANS

- Plan A Drawings for retention of caravan on which the Council made its decision:- location plan 1:2500 No 5141.01 dated 4/9/2000; siting plan 1:200 No 5141.02 dated 4/9/2000.
- Plan B Drawings for erection of dwelling on which the Council made its decision:- location plan 1:2500 No 5141.01B dated 4/9/2000; siting plan 1:200 No 5141.02B dated 4/9/2000; plans 1:50 proposed farmhouse BC & T Consultants; elevations proposed farmhouse BC & T Consultants.

