

2017 March 15

Planning at CYC
via email

Dear Sirs

16/01813/FULM

**Creation of a new farm at Bradley Lane Rufforth re-submission of 15/02031/FULM
OBJECT**

We believe that the date for decision on the above application is now the 25th of March 2017.

CPRE North Yorkshire (CPRENY) has been informed by local people that there is an issue relating to openness and para 89 of the NPPF which is causing the delay. We would like to add the following whilst officers are considering their decision.

We re-iterate our point that the application represents inappropriate development; that it is not sustainable in the true meaning of sustainability and that development would damage the openness of the York Green Belt.

CPRE was a key campaigner for the creation of green belt and currently puts campaigning for the protection of England's green belts high on its list of priorities.

1 Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- to assist in urban regeneration, by encouraging the recycling of derelict

and other urban land.

The CPRE (Campaign to Protect Rural England), describes green belts as a buffer between towns, and town and countryside whereby within their boundaries, damaged and derelict land can be improved and nature conservation encouraged. From the House of Commons Library, briefing paper 00934 5 January 2016, page 4:

CPRENY does not believe that this application serves any of the purposes of the Green Belt designation

2 The Purpose of York Green Belt is to preserve the setting and special character of York whilst assisting in safeguarding the countryside from encroachment.

p191 www.york.gov.uk/.../idl...local_plan_preferred_options_main_documentpdf.pdf

It is our view that this application fails the purposes of the York Green Belt.

3 York Local Plan

Policy GB1: Development in the Green Belt

Within the Green Belt, planning permission for development will only be granted where:

- a) the scale, location and design of such development would not detract from the open character of the Green Belt;
- b) it would not conflict with the purposes of including land within the Green Belt; and
- c) it would not prejudice the setting and special character of the main urban area of the City of York and historic villages, particularly as seen from transport corridors and elevated locations.

AND it is for one of the following purposes:

- agriculture and forestry; or
- appropriate facilities for outdoor sport and outdoor recreation; or
- cemeteries; or
- limited infilling in existing settlements; or
- limited extension, alteration or replacement of existing buildings; or
- limited affordable housing for proven local needs; or
- limited infilling or redevelopment of existing developed sites; or
- minerals extraction, provided high environmental standards are attainable;

OR

- essential engineering operations including waste disposal; or
- local transport infrastructure including highways work and park and ride facilities;

or

- the reuse of buildings; or
- development brought forward under a Community Right to Build Order; or
- renewable energy schemes, where it can be proved that the location is necessary for technical reasons and wider environmental benefits can be demonstrated.

All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

The protection of the Green Belt is an overriding planning consideration and one, which, in the case of most forms of development, strongly mitigates against the granting of planning permission. A Green Belt designation can be used to strengthen and support other policy objectives such as protecting the best agricultural land or nature conservation sites.

The size and scale of this development would detract from the open character of the green belt and it would prejudice the purpose of the York Green Belt as stated by CYC which is to preserve the setting and special character of York whilst assisting in safeguarding the countryside from encroachment.

4 **Para 89 of the NPPF**

A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- **buildings for agriculture and forestry.....**

The Applicant will no doubt argue that the application should be approved as it is an exception being 2.41 acres of agricultural buildings on a 5 hectare site..

In acknowledged that buildings for agriculture and forestry *could* be regarded as an exception to inappropriate development in the green belt, it is reasonable to assume that the NPPF when identifying this exception meant it protect and enhance existing farming traditions and practices which make a positive contribution to the countryside. Farming meaning, use of the land and soil to provide food or crops whilst contributing positively to biodiversity, character and appearance of the countryside, openness of the green belt, light pollution, tranquillity and well being. Good land management with regard to soil, hedgerows and watercourses helps to prevent flooding.

It could not in any argument have been considered to mean industrial farming comprising of buildings, roads, access and plant where there is no use of the soil, fields, trees, watercourses, hedgerows and biodiversity, and results in an increase in noise and light pollution that the NPPF was, in our opinion, trying to protect.

The correct test is whether the exceptions of a proposal taken overall clearly outweigh harm to the Green Belt and any other harm.

It is our view that the proposal is inconsistent with agricultural development in the green belt and the harm of this industrial poultry farm far outweighs any benefits and should not be recommended for approval.

5 **Openness and the Green Belt**

We discussed this fully in our objection and reiterate our comment

NPPF para 79 The Government attaches **great** importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: **the essential characteristics of Green Belts are their openness and their permanence.**

R (Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWCA Civ 404, Treacy, Underhill, Lindblom LJJ

“The concept of “openness” here means the state of being free from built development, the absence of buildings - as distinct from the absence of visual impact”

Surrounding the site with landscaping to prevent the site being seen from the Green Belt is simply admitting that the site needs or ought to be hidden from view and therefore accepts that it should not be there. The proposed landscaping does not prevent the openness of the green belt being reduced or degraded.

“any construction harms openness quite irrespective of its impact in terms of obtrusiveness or its aesthetic attractions or qualities. A beautiful building is still an affront to openness, simply because it exists. The same applies to a building that is camouflaged or rendered unobtrusive by felicitous landscaping” (para 74)
Mr Justice Green Timmins v Gelding BD (2014) EWHC 654.

We would add that any natural tree planting in the green belt to disguise the impact of the site would consist of deciduous trees which offer temporary screening only whilst the leaves are on the trees for six months of each year. Any screening required by definition must be effective for the full year. To ignore this suggests that screening is only required for part of a year.

CPRE North Yorkshire respectfully requests that this application be recommended for refusal, should the planning department require any assistance or support from CPRENY we would be willing to provide it.

Yours Sincerely

JM W Marley
Chair
CPRE North Yorkshire

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