



North Yorkshire
Campaign to Protect Rural England

Response to local authority consultation

Authority:
RYEDALE DISTRICT COUNCIL

Type of consultation -
ENFORCEMENT APPEAL

Type of response insert comment/support/object
DISMISS APPEAL

Date of submission 27 NOVEMBER 2018

All responses or queries relating to this submission should be addressed to
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The charity will be referred to as CPRENorthYorkshire throughout this document

Full details of application/consultation/appeal

APP/Y2736/C/18/3207694: Mobile Home (Magnolia Farm), Land Off Scackleton Lane Scackleton, YO62 4NB

All CPRENorthYorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

Name of external planning consultant:

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CPRE North Yorkshire a registered charitable incorporated organisation has closely followed this issue. We were contacted by several concerned members of the public who requested our help.

We commissioned a heritage and conservation expert to visit the site and prepare an in-depth report.

It is our considered opinion that this development, should it be permitted would set a dangerous precedent across the country and encourage those who wish to develop outside the planning laws that apply to the public and business to simply select a field, put in a caravan and then start building!

The planning system exists to ensure that the right kind of development occurs in the right place, for the right reason and in full compliance with local and national policies. We consider this development a blatant disregard for the rules and regulation in place across England.

APP/Y2736/C/18/3207694: Mobile Home (Magnolia Farm), Land Off Scackleton Lane Scackleton, YO62 4NB

Comments on behalf of CPRE North Yorkshire CIO

Location and General Character

Scackleton is a small, linear village located on a ridge 1.6 miles south from Coulton and 3.2 miles south-west from Hovingham. The appeal site lies in open countryside, to the north of Scackleton. It is located at the heart of the Howardian Hills Area of Outstanding Natural Beauty (AONB) off a quiet, rural lane.

The appeal site occupies the south-west area of a pastoral field which slopes down from south to north away from Scackleton. There is clear inter-visibility between the western end of the village and the application site (Fig 1 below).



Fig 1. View from south-west of Scackleton towards caravan, kennelling and chicken sheds with North York Moors in the distance

Development and Proposed Use

The appeal site is 1.75 acres. It contains a light green static caravan (Figs 2 and 3), an area of gravelled, hardstanding to provide parking for at least two cars (Fig 4), a large chicken shed, kennelling and various paraphernalia associated with the residential use of the site (Fig 5). A post box and name plate stating that the site is called 'Magnolia Farm' have been affixed to the gate (Fig 6) indicating the domestic change in use of the land and the ambitions of the appellants to develop the site far more extensively than they have done to date.



Fig. 2 Light green static caravan, with piping and building paraphernalia in context of rolling fields



Fig. 3 Washing hanging on pen demonstrates need for more extensive domestic amenity space



Fig. 4 Un-boundaried, gravel hardstanding for 2 cars with gravel spreading beyond field boundary



Fig. 5 View from north showing kennelling, chicken sheds and gravel beyond static caravan



Fig. 6 Domestic post box and name sign indicating ambitions of growth for the ‘farm’.

The site was visited on a cold, showery morning in November. An adult was leaving the site in a car as the author arrived and another adult was visible in the caravan. A second car remained on site and washing was drying on the fence of a makeshift pen.

The appellants propose to use the site to develop a working alpaca farm of 12-15 alpacas with several associated activities including the breeding of alpacas for sale, sale of alpaca wool, therapeutic and educational visits to schools and care homes, production and sale of alpaca dung and the creation of a recreational centre for alpaca walks. If successful, there is the potential to expand the business into an adjoining 2.5 acres of land. The appellants are also currently keeping khaki ducks on site and have aspirations to ‘widen’ this business (para 7.9 of appeal statement).

The appeal statement states that due to the nature of alpacas, which breed all year round, a permanent residence is required on site and that the existing static caravan is the proposed permanent residence.

National Planning Policy

The National Planning Policy Framework (NPPF) states at para. 170 that, '*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside...'*

It adds at para. 172 that, '*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited.*

Local Planning Policy

Areas of Outstanding Natural Beauty enjoy the same levels of protection from development as UK National Parks and the primary purpose of AONB designation is '*to conserve and enhance natural beauty*'. The AONB has an emerging Management Plan (2019-24) in place which is a material consideration and the AONB is a consultee within the planning process. Planning applications are, however, determined by Ryedale District Council in accordance with national legislation and guidance and the Councils adopted local planning policy.

The AONB Management Plan (AONBMP) states that the protected landscape was designated for its '*well-wooded rolling countryside, patchwork of arable and pasture fields, scenic villages and historic country houses with classic parkland landscapes*'. It summarises, '*The open sweeping views from the ridge tops and the quiet intimacy of the enclosed valleys are experiences which constantly recur whilst travelling through the area. The sheer complexity of the land cover, with its rich patchwork of crops, pastures, woods, trees and hedgerows is another consistent quality across most of the area.*'

The key special qualities of the AONB are listed within the AONBMP as:

- An unusual landform
- A richly varied landscape: The landform consists of a complex system of ridges, hills and valleys. These are clothed with a mosaic of woodland, rolling arable fields, small-scale pasture, fens, hedges and walls, formal parkland and scattered settlements.
- A landscape of high visual quality: The variety of landform and land use produces a contrast in scale, colour, texture and form. The settings of the historic houses, the extensive woodlands, the broad sweeping views and the unspoilt farming landscapes and traditional building styles have a special aesthetic appeal.
- A remarkable heritage: The Howardian Hills has a concentration of archaeological and historic features, ranging from Iron Age earthworks on prominent hilltops to the castles and monasteries of the medieval period.
- An important wildlife resource ...

The AONBMP also highlights the importance of tranquillity within the AONB. It states that, *‘Although the Howardian Hills are not especially tranquil in national terms, this means it is particularly important to protect those parts of the AONB that do still have relatively high levels of tranquillity.’*

The AONB MP recognises that a key issue over time will be, *‘The balance between economic/housing growth and conserving and enhancing the AONB’s Special Qualities, within the context of the continuously evolving National Planning Policy Framework’* but clarifies that, *‘In order to satisfy both the Section 85 CRow Act Duty to Have Regard to the purposes of AONB designation, and the principles of sustainable development, all policies within other plans, strategies and programmes should reflect the national importance of the AONB.’*

Three of the most relevant key Vision Aims of the emerging AONBMP are,

- The need for personal and business road transport will be much reduced, and this will be powered by more sustainable fuels as part of a low-Carbon economy.
- All Rights of Way will be easy to use, with the minimum of barriers to all types of user.
- A wide cross-section of society will enjoy and appreciate the Special Qualities of the AONB, for their intrinsic value and for the physical and mental wellbeing that they provide.’

Relevant Policies from the AONBMP include:

- DRE1: Ensure that all new development is compatible with the aims of AONB designation and has regard to social, economic and environmental sustainability.
- DRE2: Encourage high standards in both the design of new development within the AONB and the management of existing buildings/features.
- DRE3: Encourage the mitigation of intrusive features, to enhance the local landscape character and tranquillity of the AONB.
- HE2: Conserve and enhance the significance of the AONB's historic environment.
- AG3: Ensure high standards of design and careful siting of all new farm buildings and infrastructure.
- RTT4: Maintain the existing rural character of the road network in the AONB.
- RAT3: Maintain and improve both the condition and network of Public Rights of Way in the AONB.

Ryedale District Council's Local Plan which was adopted in 2002 has now been largely superseded by the Ryedale Plan-Local Plan Strategy. Relevant policies include:

- Policy SP20 (Generic Development Management Issues) states that 'New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses. Proposed uses and activity will be comparable with the existing ambience of the immediate locality and the surrounding area and with the neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses'.
- Policy SP1 In all other villages, hamlets and in the open countryside development will be restricted to that:

Which is necessary to support a sustainable, vibrant and healthy rural economy and communities.

- Policy SP13 The quality, character and value of Ryedale's diverse landscape will be protected and enhanced by:

Encouraging new development and land management practices which reinforce the distinctive elements of landscape character within the District's broad landscape character areas of:

- North York Moors and Cleveland Hills, Vale of Pickering , Yorkshire Wolds, Howardian Hills, Vale of York
 - Protecting the special qualities, scenic and natural beauty of the Howardian Hills Area of Outstanding Natural Beauty, the setting of the Area of Outstanding Natural Beauty and the setting of the North York Moors National Park
- Policy SP2 In the Wider Open Countryside 'New build dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified.'

- Policy SP16 Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

Reinforce local distinctiveness; Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated; Protect amenity and promote well-being

- Policy SP19 When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

- Policy SP12 Heritage: Relevant sections of this policy include:

‘Distinctive elements of Ryedale’s historic environment will be conserved and where appropriate, enhanced. The potential of heritage assets to contribute towards the economy, tourism, education and community identity will be exploited including:

- *The individual and distinctive character and appearance of Ryedale’s Market Towns and villages*

Assessment of Development and Proposed Land use

The road adjacent the appeal site, and from which the site accessed, is a single track, dead-end, rural road. Due to its quite nature and its height which affords high quality views across the AONB to the North York Moors (Fig 7), it is popular for recreational use.



Fig 7 View from road adjacent appeal site across central character area (6) of Howardian Hills

The road connects two public footpaths to create a circular walk which can be accessed from both Coulton and Hovingham. The road also connects a network of public bridleways to the north with two public bridleways to the south (Fig 8).

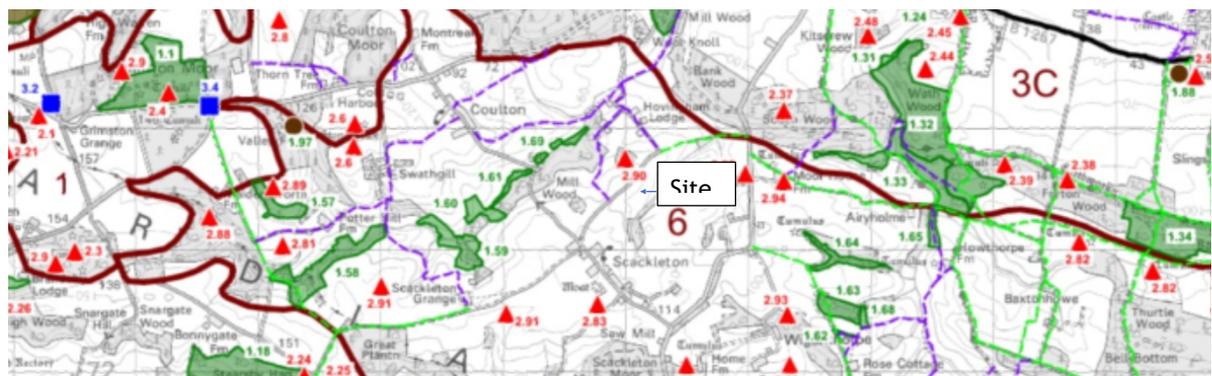


Fig 8 Map from AONB Management Plan (2019-24) showing site in relation to public rights of way

The location is not considered sustainable due to the poor access and location in a tranquil area at the heart of the AONB where increased traffic activity would undermine the tranquil qualities of the AONB and opportunities for peaceful recreational enjoyment of the adjacent bridleway and footpath. The access road is single land and dead end with few passing places. The appeal statement also describes Scackleton as being, '*relatively remote*'. The limited vehicular access to the site would not lend itself well to the proposed use which would result in tourist traffic, movement of horseboxes to facilitate educational and therapeutic visits and animal purchases/sales and movement of vans to facilitate sale of wool and manure and deliveries to site.

The site also has no existing infrastructure that would support the business proposal. As such stabling, storage sheds, possible garaging for horse boxes, hard standing for visitors to site, toilets and welfare facilities will all be required. The appeal statement also states that the static caravan is a proposed permanent residence that is required to operate the site. A static caravan is not a sustainable permanent dwelling and the appeal statement itself highlights, at 7.4, that it is '*temporary in nature*'. Whilst the existing owners may say they are happy living in a caravan permanently, approval of the use will undoubtedly

lead to pressure for a permanent dwelling and indeed the appeal statement, at 7.7, discusses 'any future permanent structure on site'. It is not considered that the proposed annual returns cited in the business plan will be sufficient to provide an income, invest in the infrastructure required to develop the uses described above and invest in the design and construction of a permanent dwelling that would be of sufficient quality to reflect the nationally designated landscape context of the site.

At the time of both the enforcement notice being served and the time of writing this report no alpacas were on site. The appellants sought no pre-application advice from the Council as to the suitability of their proposal before they purchased the land. Given that the appeal statement says that, *'it is clear that Alpaca farming is a niche rural enterprise that brings with it its own specific needs. This often includes a need to have workers on site to care for animals most of the time,'* the appellants failure to consult the Council would seem professionally naive which does not engender confidence in the business acumen and therefore likely success of the proposed business.

Appeal decisions relating to businesses with alpacas already on site where inspectors were swayed by animal welfare concerns are also therefore irrelevant as there are no alpacas on site. Appeals where inspectors allowed a period of time for the owners to demonstrate the viability or otherwise of their business were not located in designated landscapes where a presumption against new development in open countryside exists in policy and where the benchmark for the design and quality of new structures is so high. Furthermore, the appeal statement states that both owners are currently in other employment and not drawing an income from the site. As such they cannot be argued to be 'agricultural workers' (7.26).

The appeal statement also makes a case for the development and proposed business as 'farm diversification'. The development does not represent an existing farm business diversifying its revenue however; it represents an entirely new small holding and associated business. The previous land owner has benefited financially from the sale of the land but the appeal statement evidences that the land, 'is classified as falling within the wider subgroup 3 (best and most versatile) in the ALC land categorisation.' As such it is likely that the land could be sold on again to an owner with a less intensive use in mind at minimal loss to the current owners.

In terms of the design, the appeal statement recognises that the static caravan is 'not typical' of the AONB but argues that as a temporary building, 'the building is of course of a very small scale and therefore has very limited impacts.' The visual impact of the caravan is actually quite substantial. Despite its green hue which should blend with the natural landscape, it is prominent in views south from Scackleton and across the fields

(Figs 1 and 5). The inference of the appeal statement is that, given its very small, temporary nature, the intention is to replace the caravan with a much bigger, more permanent structure. This is unlikely to be green and as such is likely to be even more visually intrusive within the landscape. Furthermore, little mention is made by the appeal statement of the design, scale, massing and appearance of the other structures that will be required to support an alpaca farm and tourist business. If successful, the buildings and infrastructure associated with the proposed use will be extensive and visually intrusive.

The appeal site is also located on the opposite side of the road to, and therefore within the setting of, an Historic Environment Priority Site.

The appeal statement further suggests that, due to the distance between the North York Moors National Park Authority and the application site that it does not fall with the setting of the National Park as per the Council's assertion. The definition of setting in the National Planning Policy Framework is however 'surroundings from which a heritage asset can be experienced'. Whilst this definition refers to heritage assets, the spirit of the definition can be applied to any type of asset including designated landscapes of national importance. Due to the high ground on which the application site sits, views are afforded towards the National Park (Figs 1 and 7) and as such the site and the approach to the site in which the development can be seen, both fall within the setting of the National Park.

Conclusion

This report supports the Council's findings that the mobile unit and associated development encroach upon the open countryside and are visible features in a rural, largely undeveloped and nationally valued landscape. The existing development is considered to constitute inappropriate development outside accepted development limits and has an unacceptable impact on the character and amenity of the open countryside and the Area of Outstanding Natural Beauty. The development also has a negative impact on the setting of the adjacent heritage asset and the North York Moors National Park. This impact will only increase if the proposed uses are permitted as substantial further development will be required to support the proposed uses.

The Council states the '*unauthorised development, by reason of its lack of justification, prominent position and [poor] design, would be alien to its surroundings and would fail to respect the character of the area resulting in an unacceptable level of harm to the visual amenity of the open countryside. The unauthorised development would therefore be contrary to the requirements of the NPPF and contrary to Policies SP13, SP16, SP19 and SP 20 of the Ryedale Local Plan Strategy.*'

This report concurs with the findings of the Council and adds that the development would be contrary to paras 170a and 172 of the NPPF and also the aims of the AONBMP regarding the conservation and enhancement of both the natural and historic environment and the promotion of good design and tranquillity. As such the development is contrary to policies DRE1, DRE2, DRE3, HE2, AG3, RTT4 and RAT3 of the emerging AONBMP.

Beth Davies