

NORTH AND EAST PLANS PANEL

THURSDAY, 27TH MAY, 2021

PRESENT: Councillor C Gruen in the Chair

Councillors G Almass, E Flint, A Lamb,
M Midgley, E Nash, N Sharpe, D Collins
and T Smith

CHAIRS OPENING COMMENTS

The Chair welcomed everyone to the meeting. She said that it was a great honour for her to be the new Chair of this committee and she looked forward to the work and getting to know all the Members of North and East Plans Panel. However, she acknowledged Cllr Ritchie, the previous Chair was an exceptional Chair and that she had big shoes to fit into, so requested Members patience.

1 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspections of documents.

2 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

3 Late Items

There were no late items.

4 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

5 Apologies for Absence

Apologies for absence were received from Cllrs B Anderson and R Stephenson.

Cllrs D Collins and T Smith attended the meeting as their substitutes.

6 Minutes - 15th April 2021

RESOLVED – The minutes of the meeting held on 15th April 2021, were approved as a correct record.

7 Matters arising

Minute 83 – Matters arising. – Members were advised in relation to the application for the development at Mount St Mary's and the steps which had been raised as a concern by the Panel. It was reported that the title to the steps is unregistered. In those circumstances the Public Rights of Way team advised that a Public Path Creation Order under the Highways Act 1980 (s26) can be created. This is subject to public consultation and would be triggered if

the development were to proceed as at the present time the path is closed off. Following creation, the public right of way would be registered on the Definitive Maps and would be publically maintainable thereafter.

Minute 84 - 19/07608/RM - Reserved Matters application for residential development (C3) for 129 dwellings at land at Leeds Road, Collingham, Wetherby, Leeds.

Members were advised that discussions were still ongoing in relation to concerns raised, with regards to flooding issues.

8 18/06114/FU - One new agricultural dwelling with attached garage at Land to the North of Trip Lane, Linton, Wetherby.

The report of the Chief Planning Officer presented an application for consideration in relation to one new agricultural dwelling with attached garage at land to the North of Trip Lane, Linton, Wetherby.

Members were shown slides and photographs throughout the presentation.

Members were informed of the following points:

- Since the publication of the agenda another objection had been received. It was noted that the issues raised, such as harm to the Green Belt, had already been included within the report from representations already received;
- An agricultural viability statement had been submitted;
- The proposal was for a new 4 bedroom detached property to be used by a rural worker. The proposed construction is of natural stone with a pan tile roof, solar panels, attached garage, on land that is owned by the applicant. The property would be set back from Trip Lane;
- The application site is approximately 250 metres from the village of Linton set in a surrounding of fields which are arable in nature;
- The applicant currently resides as a tenant at Lilac Farm which is around 200 acres plus the land owned by the applicant. It is approximately a five minute car journey to the proposed site.
- The proposed application site is located on Trip Lane which is a country lane within the Green Belt. At the far end of the Lane is Woodhall Hotel and Spa, there is already passing traffic using this lane.
- The site is situated in land defined as Green Belt which means that any development is to be considered inappropriate, unless a recognised exception applies. Where no exception applies, development in these locations cannot proceed unless very special circumstances can be evidenced in line with current national and local policy. This proposal is considered inappropriate development (no exception applies) and it would urbanise this open piece of countryside intruding on the view across the landscape, and as such is classed as being harmful to the character of the landscaped area. The proposal does not meet with guidance outlined within the National Planning Policy Framework (NPPF).
- It was noted that the proposal sets out the dwelling is for use of a rural worker. Paragraph 79a of the NPPF sets out guidance for the essential

need for a rural worker to live at or close by to their place of work. However, due to the type of agriculture it was not considered as having very special circumstances, as there is no livestock or perishable crops requiring 24hour attention;

- The applicants currently have an existing farmhouse in Collingham and there is no evidence the farmhouse would be lost in the near future. It was also noted that the current farmhouse at Collingham was better placed geographically to the farm holdings;
- It was noted that the proposals were contradictory to policies N33 and N37 of the UDP and guidance in the NPPF.

In attendance at the meeting was Julian Holmes from the Collingham with Linton Parish Council, he informed the Panel of the following points:

- The Parish Council are fully in support of the work at Lilac Farm which is recognised as a viable business which needs to be retained;
- The concerns of the Parish Council are in relation to the application site being located within the Green Belt. It was noted that the Parish Council would be supportive of the application if it was outside the Green Belt;
- The Panel was advised of other applications also within the Green Belt which had been refused and when the refusals were appealed against, the refusals had been upheld by the Planning Inspector. Mr Holmes provided examples for the Panel

Responding to questions from the Panel Members, Mr Holmes provided the following answers:

- The Neighbourhood Plan for Linton does not refer to supporting businesses in Linton as there are no specific business premises in Linton. The applicant's premises are located in Collingham. The Collingham Neighbourhood Plan does make reference to the business at Lilac Farm;
- A village survey showed that 60% were supportive of new houses in the area if they were beneficial to the village, but with the proviso that it was within the built up area;
- In relation to the desire expressed in the Linton Neighbourhood Plan for a Public Right of Way in the vicinity of the development site, it was noted that the Parish Council had approached Mr Tindall the owner of the land which has the footpath. However, the landowner was against the request to make this a Public Right of Way. At Members' suggestion to use another footpath, Mr Holmes responded to say that it would not be viable as it did not route to Northgate Lane which would be essential for the route to be of any use. It was also noted that this had not been offered as a proposal;
- Mr Holmes was of the opinion that the site proposed for the new house would impact the view for those walking across Linton Common;
- Mr Holmes informed the Panel that when drafting the Neighbourhood Plan there were concerns raised that, should developments come forward in this area, they would cause increased trip generations and a potential traffic hazard on Trip Lane. This would require traffic

improvements to the junction with Main Street, where there is a feature called 'The Triangle' which the Committee believe is worthy of protection.

The applicant Mrs Sally Ann Kilby attended the meeting and informed the Panel of the following points:

- The family have owned the land off Trip Lane for 40 years, she and her husband have lived and run the business at Collingham for 54 years, they currently have in excess of 468 acres of land in Linton, Collingham and Shadwell with a further 248 acres in York;
- They are currently under a tenancy for their yard and farmhouse in Collingham, which could be severed by their landlord under a three month notice. It was noted that they had received written notice from the estate that they would be forming detailed proposals for the site shortly. The tenancy is jointly owned with an agreement for the tenancy to be passed on to further generation of the family;
- In the current housing market they would be unable to purchase a property in the area. To be able to build a house on land that they own would be a relief to the family;
- Mrs Kilby explained that the business required them to work every day sometimes up to 12 hours a day, involving visits to the site every two hours depending on weather conditions. She explained that if they were able to build their own farmhouse on the land it would reduce the trips that they have to make between Collingham and Linton and enable them to be on site 24 hours;
- Agriculture is said to be one of the most dangerous forms of work and to be on site without support is a constant concern;
- Mrs Kilby said that they had been in dialogue with the landlord for several years in relation to improvements so that they could progress their business;
- As they own in the land in Linton, they have with the help of planners been able to invest in farm buildings on this site which are more suitable for their business than the older farm buildings in Collingham. Linton has become the main base for their operation;
- They recognised that the land was within the Green Belt as they had worked with the planners to develop the farm buildings on their land. Therefore, they had worked with officers in the design of their proposed new farmhouse to ensure that it would be suitable in the Green Belt and for future generations of the family;
- It was noted that the generators supposedly making noise (as referenced in objectors' comments) had actually been removed from the site three years ago.

Responding to questions from the Panel, Mrs Kilby provided the following information:

- Farm equipment has been stolen, and they have suffered from anti-social behaviour, which was noted in the Parish Council minutes;
- The crop grown is rapeseed oil and requires them to be on site every two hours, is it difficult at present to increase capacity, or their business

viability, as currently have to travel to and from the site numerous times. Whereas, if they lived on the site it would be a 3 min walk across the farmyard.

- It was noted that it was difficult to manoeuvre vehicles out of the yard at Lilac Farm and Mrs Kilby is required to stand in the middle of the busy A58 to stop traffic when farm vehicles exit the yard;
- The Kilby's currently have a 100 years left of their tenancy at Lilac Farm, the landowners have said that they would relocate them but they have not been able to come to a solution for nine years. Mrs Kilby said that the first they knew of any proposals to develop the land was a telephone call from neighbours who were attending a meeting where the proposals were being discussed;
- Mrs Kilby said that there would be no problem with a condition added for the new build to remain as a farmhouse for agricultural worker occupation only;
- It was noted that the sheds at Lilac Farm became unusable when it rains, as they flood;
- The agricultural buildings at Linton had been built within the last ten years;
- The Kilby's anticipated that the cost of the new build would be approximately £100,000 as they own the land, in comparison to an ex-council house in Collingham for £300,000 if they were to have to purchase there – where there would also then be the issue of parking farm vehicles, no suitable agricultural buildings etc.;
- It was clarified that the journey from Collingham to Linton takes seven minutes and if they were on site at Linton there would be a reduction of traffic on Trip Lane.

Officers provided the following information in response to questions from Members:

- No traffic survey had been undertaken on Trip Lane. If the applicant was to move to the proposed site this would lower traffic movement;
- Officers highlighted Paragraph 33 of the report in relation to Paragraph 79a of the National Planning Practice Framework (NPPF) and the associated guidance in the National Planning Practice Guidance (NPPG) regarding what is deemed 'essential need' for a rural worker. The Panel noted that the guidance references there being a need for a rural worker to live in close proximity to livestock (as they required 24 hour protection), for example. This was clarified by the Agricultural Officer. He also said that this was the guidance for valuable crops, for example those which required heated greenhouses to ensure that heaters stayed on. So, it is a very high threshold to establish there being a need to live on site.
- It was noted that the submitted report had been written in the context that there was an existing house which currently catered for the needs of the farm. It was also noted that new information had been provided to the Panel, that the landowners were bringing forward proposals to develop the yard. However, Planning Officers did not know about these proposals or timescales. Responding to a question from the Chair, if

the existing farmhouse ceased to exist, the Panel were advised that this may change the context of the report put to Panel for consideration;

- Paragraph 61 of the submitted report dealt with the issue of crime and the vulnerability of farm equipment. Clarification was provided to Panel Members on how crime is measured in planning terms and that it is not at such a level that it is regarded as an issue here, particularly with the existing dwelling there to provide a certain level of surveillance;
- It was noted that the current site was not allocated for housing;
- Clarification was provided on approval for the farm buildings already granted permission on the proposed site, explaining that this was granted under agricultural planning approval which is restricted by certain criteria;
- It was noted that Highways Officers had no objections to the application as it was the view that the move to the proposed site would reduce the number of movements along Trip Lane. However, Planning Officers were of the view that the business covers a large area and there would still be movement of traffic to other areas of the farm business which could impact traffic elsewhere. It was noted that there had been no traffic survey submitted.

Members comments included:

- Members support for Cllr Nash's suggestion to recommend that the application be deferred for further investigation regarding the seemingly changed circumstances surrounding the longer-term proposals to develop the yard;
- The use of a track along the applicant's land which may be used as a public footpath to increase connectivity should be investigated further;
- To look at the finished design of the proposed house and the impact on the landscape / views;
- Impact on highways required further investigation;
- Condition would be required on any permission granted for the proposed house such that it should be used for agricultural worker occupancy only;
- Further information was requested regarding the other business interests of the applicants, to ascertain the level to which agricultural undertakings remain the focus (or whether there is a greater percentage of business which cannot be considered 'agricultural' at all under the reference-points of the NPPF and NPPG).

RESOLVED - To defer consideration of the planning application for at least one Plans Panel cycle for the following reasons:

- For further information to be sought in respect of the re-development proposals for site of the existing farmhouse in Collingham. To explore what the proposals are for and what the timescale is for pursuing them. Also, if possible, a view on whether the proposals on the face of it have planning merit.

- For more information to be provided on the applicant's case for very special circumstances, including:
 - An assessment of the current site and buildings at the Collingham site and whether they are fit for modern day agricultural purpose.
 - Can the Neighbourhood Plan aspiration for the delivery of a new public right of way be facilitated as part of this development.
 - Has planning permission been granted for similar proposals.
- More information to be provided on the other business activities undertaken by the applicant at the Collingham site.
- Further information on what are the applicant's plans for the existing uses being undertaken at the Collingham site.
- For further information on what are the applicant's long term plans for the Linton site and the uses that will take place at buildings and on land at the site.
- More information in respect of the highway implications of relocated the farmhouse, and any other activities, to the Trip Lane site. This is to include an assessment of journeys displaced from the Collingham site.
- Clarification of reasonable travel times between the application site and the Collingham site.
- In the event that planning permission be granted what conditions could reasonably be imposed including restricting the occupancy of the dwelling to person/s employed or last employed in agriculture.

Meeting concluded at 14:50

9 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel will be on Thursday 24th June 2021 at 1:30pm.

Meeting concluded at 14:50