

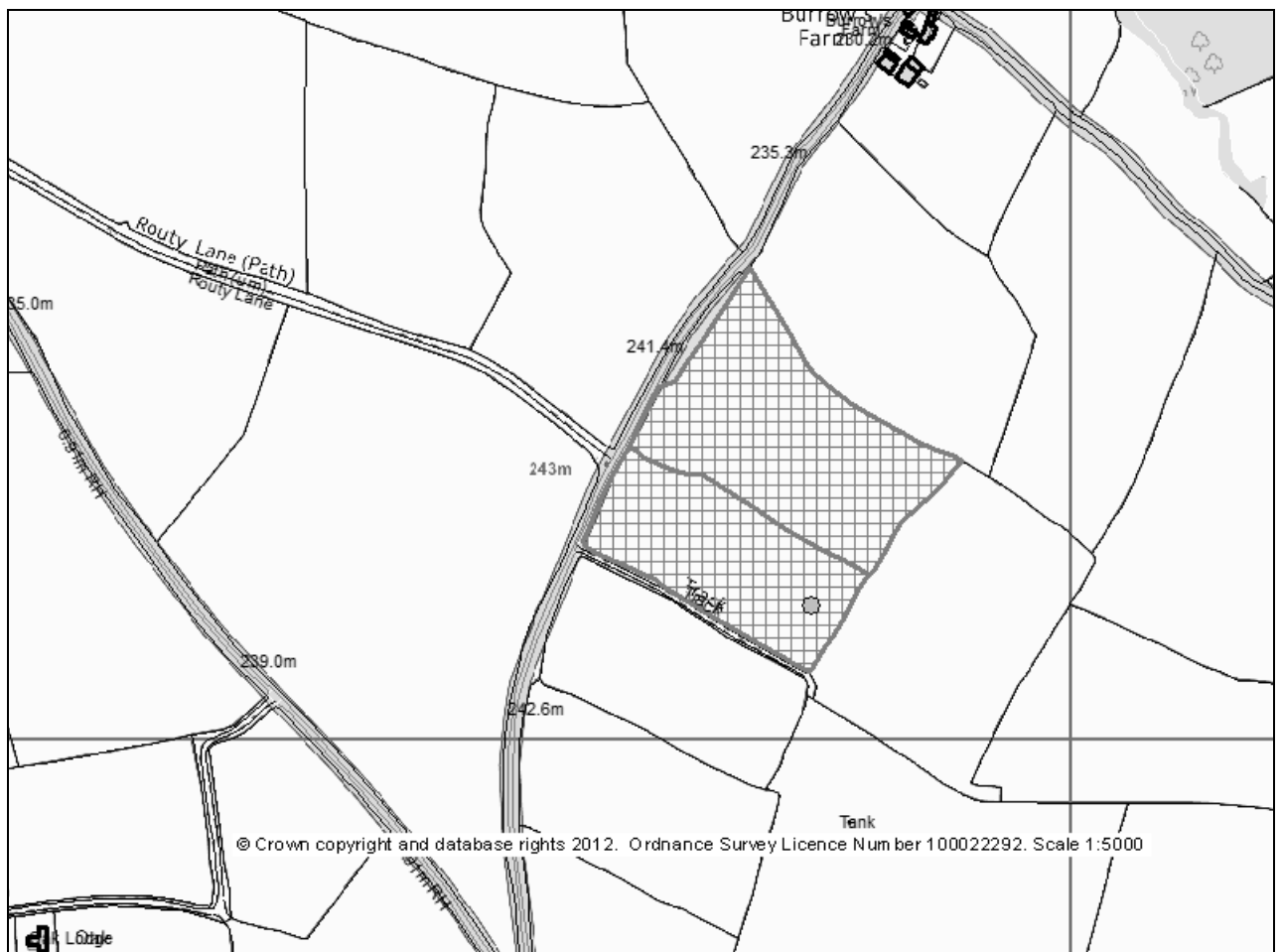
Grid Ref: 316711 : 110152

Applicant: Mr R Greenhill

Location: Land at NGR 316711 110152
(Ten Oaks Farm) Clayhidon
Devon

Proposal: Erection of an agricultural
worker's dwelling and an
agricultural livestock building

Date Valid: 20th October 2015



Application No. 15/01622/FULL

RECOMMENDATION

Grant Consent subject to conditions and to the prior signing of a Section 106 agreement/unilateral undertaking to secure financial contribution of £1442 towards public open space.

COUNCILLOR FRANK ROSAMOND HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider the absence of an effective business plan sufficient to justify the application, allied to concerns in respect of the water supply.

PROPOSED DEVELOPMENT

The Application seeks the erection of a permanent agricultural worker's dwelling and an agricultural livestock building. This application follows the approval of a temporary mobile agricultural worker's dwelling under appeal Ref: APP/ Y1138/A/12/2172238 on 7th September 2012.

The previous application and approval established on similar numbers of stock that there was an essential need for a dwelling to support the developing livestock enterprise was sufficiently demonstrated and thus that the proposal does not conflict with Core Strategy Policy COR18 or with the National Planning Policy Framework. (The Framework).

Where essential need is established standard national policy is to provide in the first instance a temporary unit of accommodation over a 3 year time period to establish the viability of the unit.

In this case a temporary consent was granted through a planning appeal some questions arose in relation to the size to which the enterprise might ultimately grow, given the current absence of any mains services and the likely costs of providing these in due course. Nonetheless, given the clear support in the Framework for the development (and not just the diversification) of agricultural businesses, allowing the dwelling on a temporary basis is justified to facilitate the further establishment and development of the livestock enterprise.

Therefore the main issues with regard to this proposal are:

1. Is the existing enterprise based on sound financial basis
2. Are there sufficient services for the enterprise

APPLICANT'S SUPPORTING INFORMATION

Agricultural Appraisal
Foul drainage Assessment Form
Design and Access Statement
Breakdown of income and expenditure (Confidential)

PLANNING HISTORY

10/01749/FULL Erection of an agricultural livestock/storage building - PERMIT
11/01618/FULL Retention of caravan for occupation by agricultural worker for temporary period of 3 years; and retention of agricultural track and formation of new track and hardstanding- REFUSED (APPEAL ALLOWED 07.09.12)
15/01206/FULL Erection of dwelling and garage to replace existing caravan - Withdrawn

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM8 - Parking

DM10 - Rural workers dwellings

DM14 - Design of housing

DM22 - Agricultural development

DM29 - Protected landscapes

DM15 - Dwelling sizes Technical housing standards – nationally described space standard

CONSULTATIONS

HIGHWAY AUTHORITY - 30th October 2015

Standing advice applies please see Devon County Council document

<http://www.devon.gov.uk/highways-standingadvice.pdf>

For domestic vehicular accesses from adopted highway into privately owned property (serving up to 3 dwellings) the arrangement must comply with Part One, Sections 3.10, 3.11 and 7.4 of Devon County Council's Highways in Residential and Commercial Estates Design Guide. For driveway gradients a maximum of 10% is preferred although each site must be considered on its merits.

ENVIRONMENT AGENCY - 19th November 2015 - Operational development less than 1ha within Flood Zone 1 - No consultation required - see surface water management good practice advice - see standard comment.

CLAYHIDON PARISH COUNCIL - 13th November 2015

The council does not support the application and makes the following observations.

The parish council has considered the re-submission and remains of the view that there is no viable and sustainable agricultural evidence presented to support the expired temporary permission, let alone the permanent dwelling application.

This would set an unwelcome precedent reference achieving a new dwelling. At just 12 acres, any agricultural tie would be meaningless. The location in open countryside remains a key consideration. Potentially a series of applications would destroy the essential character of this area of the Blackdown Hills.

The information contained in the Agricultural Appraisal shows a standard man day calculation of 1.67 based on 200 calves per annum. This is incorrect. The total number of calves at any one time is currently 50. If the new agricultural building is approved the numbers are proposed to double. This does not equate to 1 full time worker needed to be present at all times of the day and night for the proper functioning of the enterprise.

It has been reported that the Planning Notice was erected for four hours on one day and then removed.

The council has concerns over the water supply on site. The water is being harvested from the roof. Is this sustainable?

ENVIRONMENTAL HEALTH - 3rd November 2015

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Environmental Permitting N/A

Drainage - no objections to these proposals

Noise & other nuisances - no objections to these proposals

Housing Standards - no objections to these proposals

Licensing - No comment

Food Hygiene - N/A

Private Water Supplies - INFORMATIVE NOTE:

No record is held as being a private supply. However, if a private water supply is to be used together with any other associated property, the supply would become a small private supply, unless a commercial element is involved when it would become a commercial supply. In either circumstance would be subject to the Private Water Supply Regulations 2009. As such a private water risk assessment and sampling regime will need to be undertaken by this Authority prior to any residential or commercial use. Please contact Public Health at Mid Devon District Council to discuss on completion of the proposal.

Health and Safety - no objections to this proposal

REPRESENTATIONS

There have been two representations

- 1) This is inappropriate development within the Area of Outstanding Natural Beauty.
- 2) There are inaccuracies in the application
- 3) Not proved its viability

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in assessing this application are:-

1) Previous appeal decision for siting of temporary mobile unit

2) Agricultural Workers Dwelling

3) Agricultural Building

1. Previous appeal decision for siting of temporary mobile unit

See attached appeal decision **Appendix 1**

2. Agricultural Workers Dwelling

The site is within the Blackdown Hills AONB. The holding extends to approximately 5.1 hectares of relatively level pasture land in two fields. The north western boundaries of the two fields front onto an unclassified public highway off which the site is accessed. The caravan which the applicant is residing in (granted temporary consent in 2012 under appeal Ref: APP/ Y1138/A/12/2172238) is located in the northern corner of the southernmost field, close to the south eastern boundary. The existing agricultural building is located further to the south of the caravan with a stone track from the access to the highway and running along the southern boundary of the field. Timber post and rail fencing has been installed around the field in order to separate the pasture land from the recent developments (track, caravan, building).

The proposal is to provide a modest permanent chalet style bungalow, located on the footprint of the existing mobile unit and its veranda. In addition the proposal is to provide a further agricultural building located to the south of the existing building, along with an intervening concrete yard.

The site is in an isolated rural location where prevailing national and local planning policies restrict the provision of new residential dwellings and the residential use of land unless there is a proven need for an agricultural (or other rural) worker to reside on a holding. Policy COR18 of Mid Devon Core Strategy is a relevant policy as is DM10 (rural workers dwellings) of the Local Plan Part 3. In addition the National Planning Policy Framework (NPPF) sets out the criteria or other means of establishing whether or not there is an 'essential' need for such a dwelling. In addition Planning Policy Statement 7 Annexe A although superseded is still considered to be a suitable guide/tool to help assess such applications.

Policy DM10 has 4 elements

- a) It can be demonstrated that the nature and demands of an existing rural business are such that a full time worker has an essential need to be permanently resident at or near their place of work so they are available most times.

An assessment of the labour requirement for the holding has been provided in support of the application. This states that based on the rearing of 200 calves annually and including some time for maintenance and cutting hay, the annual labour requirement is 501.80 standard man days, with 426 of these days being attributed to the management of the calves. This assessment has been made using The Agriculture Budgeting and Costing Book for derivation of labour requirements. These figures are the same as those provided for the 2011 application and the subsequent appeal. At the time of the appeal the applicant had just reached the 50 calves per quarter. The appeal established "the key element of the functional test is not the amount of labour required but whether it is essential for a worker to be readily available at most times, including at night. Very young calves are susceptible to infection, such that regular monitoring and prompt intervention are required for the success of the enterprise, and I heard that other emergencies can also arise during the night-time period. Given the nature and scale of the enterprise, I accept it is necessary for a worker to be on hand at night. The security benefits of an on-site presence also weigh in favour of the proposal. I conclude therefore that the functional test is met". Therefore the functional/essential need has been established through the previous appeal. That there is a requirement for at least one worker to be present at most times and therefore there is an essential need. This has not changed from this appeal date, with regard to the essential need.

In the appeal decision, the Inspector noted that given the clear support in the Framework for the development of agricultural businesses, allowing the dwelling on a temporary basis was justified to facilitate the further establishment and development of the livestock enterprise. He stated that in due course, the Council is likely to expect comprehensive and detailed information to demonstrate the sustained continuation and/or development of the enterprise throughout the period of the temporary permission. The applicant has sustained the enterprise at the level on which the appeal Inspector established there was an essential need to live on site, and intends to develop the business further by an increase in the numbers of calves on site. In this respect, the applicant is also applying for a further livestock building as part of this application.

Officers requested further information on the water supply as the cost of mains water installation would negatively affect the finances of the farm holding.

The present water supply by way of rain water harvesting has operated sufficiently for the last 4 years, the additional agricultural building will provide further water supply for the needs of the expanding unit. The agent has therefore commented that the sufficiency of this approach has been proven and with the roof area of the new historic building, rainwater harvesting will continue to be sufficient to secure the needs of the expanded holding in the future. No details of water use or storage in terms of volume have been provided. Sufficiency of water for stock is covered by other welfare standards. Given the arrangement has been demonstrated over the last 4 years, on balance it is considered acceptable.

- b) The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site.

It was agreed between the Local Authority and the applicant at the time of the appeal that there is no other suitable and available dwelling in the immediate locality. Having undertaken a search on the Internet there are still no available properties within very close proximity to the site either to rent or buy. Therefore the need established within the appeal approval is unable to be satisfied by external means. Therefore the application meets this test of the Local Plan DM10.

- c) The size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site.

The inspector stated in paragraph 13 of the appeal that - *With regard to the proposal's visual impact on the character and natural beauty of the AONB surroundings, the caravan, tract are well screened by existing hedging. Moreover the surrounding countryside is relatively flat, such that the development has little long range views. Thus no harm is caused to the character of the AONB landscape.*

The application proposes a modest 2/3bedroomed chalet bungalow with a main foot print of 9.35m x 8.5m with an attached single storey section measuring 5.6m x 3.3m, the overall floor area being 130sqm measured externally. It is considered that this size of dwelling is appropriate for the size of unit and will have no major impact on the AONB or neighbouring properties. The change from a mobile unit to this modest dwelling will provide a more appropriate scheme for the AONB. The design is simple and will sit in the landscape appropriately and is close to the calf sheds to provide security and observation. In addition the size of the dwelling complies with space requirements set out at DM15 and the recent technical housing standards - nationally described space standard. There are no details as to the proposed materials therefore these will be conditioned. It is considered the proposed modest dwelling meets with Local Plan Part 3 policy DM10 and policy DM14 which relates to the design of new housing.

d) The rural enterprise has been established for at least three years, is currently financially sound, and has a clear prospect of remaining so.

The business has been running for a period of 4 years and details have been provided of accounts over this time period which detail income and outgoings. These are commercially sensitive and are not within the public domain. Net and gross Income is shown to be stable over the period, and providing a small but acceptable income for the size of the unit. The intention is to double the number of calves following the installation of the new agricultural building. Financial projections of the business following the erection and stocking of the sound agricultural building have been provided. They show an increasing business profit. On balance it is considered that this element has been met and is compliant with DM10.

The appeal Ref: APP/ Y1138/A/12/2172238 on 7th September 2012 raised some questions with regard to the lack of main services and in particular if the proposed enterprise could grow without it. The applicant has now provided a septic tank for the use of the caravan and continues to use water collected from rain sources, in addition electricity is now by mains supply with a backup generator. Although there is no specific mains water it is concluded that the increase in the number of buildings will provide additional water for the use of the site through rainwater harvesting. Potable water will need to be monitored and checked by the Environmental Health section of this Authority. The intention is to double the output of the unit hence the inclusion within the application for a new barn to cater for this. The essential benefit of this additional building is that of efficiency of the calf rearing enterprise, to allow rotation of stock from one building to another at 6-8 weeks. This will save time of dismantling, storing and re-erecting the pens. It will also allow more flexibility in the time periods for keeping stock.

It has been confirmed by the applicant that the cost of providing the agricultural workers dwelling and livestock building are not dependent upon the income from the agricultural enterprise itself. Therefore there are no perceived issues with regard to the sustainability and financial operation of the unit.

Policy AL/IN/3 makes clear that new housing developments will provide at least 60sqm of equipped and landscaped public open space per market dwelling, or a contribution per dwelling in accordance with the SPD. The SPD makes clear in paragraph 14 that the scheme for collecting contributions for off-site provision applies to all new housing, including single dwellings, whether built as tied accommodation, conversions of existing buildings, flats, maisonettes or permanent mobile homes. There is therefore a clear policy justification for this contribution.

A financial contribution of £1442 towards public open space provision is still to be made in respect of Policy AL/IN/3 and a unilateral undertaking has been sent for signature. Any Positive decision will need to be withheld until payment has been received or alternatively a legal basis established to secure it via S106.

New Homes Bonus

Consideration should be given to the New Homes Bonus that would be generated by this application. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from the proposal over a period of 6 years is therefore estimated to be £6,168

For the reasons given above, the proposed development is considered to comply with the policies of the adopted Development Plan, and therefore approval is recommended.

3. Agricultural Building

This application also seeks planning permission for the erection of an agricultural livestock building measuring 12 metres x 30.5 metres x 4.2 metres to eaves and 5.5 metres to ridge. The southeast elevation is proposed to be entirely open to the three bays with the provision of galvanized steel feed barriers on the remaining two bays; the remaining three elevations are proposed to have 1.5 metre high horizontal tongue and groove dung boarding with Yorkshire boarding above and with the additional provision of a galvanized sheeted gate on the south west elevation. The building is proposed to be roofed in steel metal sheeting. The overall design of the building adequately reflects the intended agricultural nature of its use.

The agricultural barn is to be provided immediately to the west of the existing barn and to be constructed in similar materials and of a size similar to that of the existing barn. Between the two barns a concrete hard standing is to be provided. The primary purpose is to support farming activities related to the land holding and the building is needed for that purpose. The new barn will also allow the enterprise to develop further.

The site lies within the Blackdown Hills AONB where new development should not harm the special beauty of the area. The building is proposed to be located at the furthest point from the public highway, which is approximately 170 metres. Although the building will be visible from the public highway, it is not felt that the proposal will harm the overall beauty of the locality and will largely preserve the unspoilt and rural character of the area, as the building will be seen in context with the existing agricultural building. It will provide needed additional cover for the expanding business. In appropriate cases the Council will consider the need to require that the building be removed when it is no longer required for agricultural purposes and the site reinstated to its former use. Given the location of the site within the sensitive Blackdown Hills AONB and the relatively large size of the building (in conjunction with the previous approval) in relation to the overall size of the current land holding, a condition to this effect is considered to be reasonable and necessary and is therefore recommended for imposition.

The proposal is for a building which will be seen in context of the existing agricultural building and as such will meet with the requirements of DM29 in particular the character and setting within the special qualities of the landscape. The building will only be seen from the immediate highway. The biodiversity will not be impacted and linking habitats will be retained.

It is considered that the proposal meets and complies with the appropriate policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan 1) and DM2, DM22, and DM29 of the Local Plan 3 of the (Development Management Policies).

CONDITIONS

1. The Agricultural Workers dwelling and agricultural livestock building hereby permitted shall be begun before the expiration of 1 year from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until details or samples of the colour and finish of the materials to be used for the external surfaces of the dwelling and agricultural livestock building have been submitted to and approved in writing by the Local Planning Authority, such approved details or samples shall be so retained.
4. The agricultural livestock building hereby approved will be brought into its intended use prior to the occupation of the agricultural workers dwelling.
5. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined by Section 336(i) of The Town and Country Planning Act 1990) or in forestry, or a widow or widower of such a person, or to any dependants.
6. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes [A, B, C, and E of Part 1 relating to the enlargement of a dwellinghouse or addition or alteration to the roof of a dwellinghouse or the provision of any building or enclosure, swimming or other pool within the dwelling curtilage.
7. On the agricultural livestock building becoming redundant for the use applied for or any agricultural use, it shall be demolished and all resultant materials removed from site within 3 years of redundancy.

REASONS FOR CONDITIONS

1. To ensure that the accommodation continues to meet with the needs of an essential rural worker in connection with the existing agricultural enterprise where it has been established that there will be a functional need for permanent accommodation on the site and for the business to develop in the way envisaged.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect the visual amenities of the area in accordance with policies COR2 of the MDCS 2007 and DM2 and DM29 of the Local Plan Part 3 of the (Development Management Policies).
4. To ensure the farm holding is able to continue to expand, to be financially sound meeting projections and to ensure the barn is built in accordance with the scheme proposed.
5. The site is located outside defined settlement limits in the open countryside, where national and local planning policy resists the erection of new dwellings without special agricultural/occupational justification in accordance with Policy COR18 of Mid Devon Core Strategy (Local Plan 1) and guidance in National Planning Policy Framework (NPPF).
6. To safeguard the visual amenities of the area and to ensure that the dwelling remains of a size commensurate with the needs of the agricultural holding to which it relates, in accordance with policy DM10 of the Local Plan Part 3 of the (Development Management Policies).
7. To safeguard the rural character of the area & special qualities of the Area of Outstanding Natural Beauty in accordance with Policy COR18 of Mid Devon Core Strategy (Local Plan 1) and Policy DM22 of Local Plan Part 3 (Development Management Policies).

INFORMATIVE NOTE

1. The applicant is advised that the Local Planning Authority is unlikely to view favourably any future applications to enlarge the size of this agricultural worker's dwelling.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The current proposal is acceptable in that the applicant has demonstrated an essential need for a rural worker to live at or near their place of work in the countryside and that there are no existing dwellings available to fulfil that need. The siting, layout, scale and massing of the dwelling is considered to be acceptable and there will not be any unreasonable impacts on the visual or other environmental amenities of the area, highways safety or any neighbouring occupiers.

The proposed agricultural building is considered to be reasonably necessary for the purposes of agriculture on the holding and is sited in an appropriate location on the land. Its design adequately reflects the agricultural nature of the development. The site is located within the Area of Outstanding Natural Beauty and the proposal is acceptable in the respect of the impact on its character, appearance or other aspects of its natural beauty. Accordingly the application complies with policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM22, and DM29 of the Local Plan Part 3 of the Development Management Policies).

