

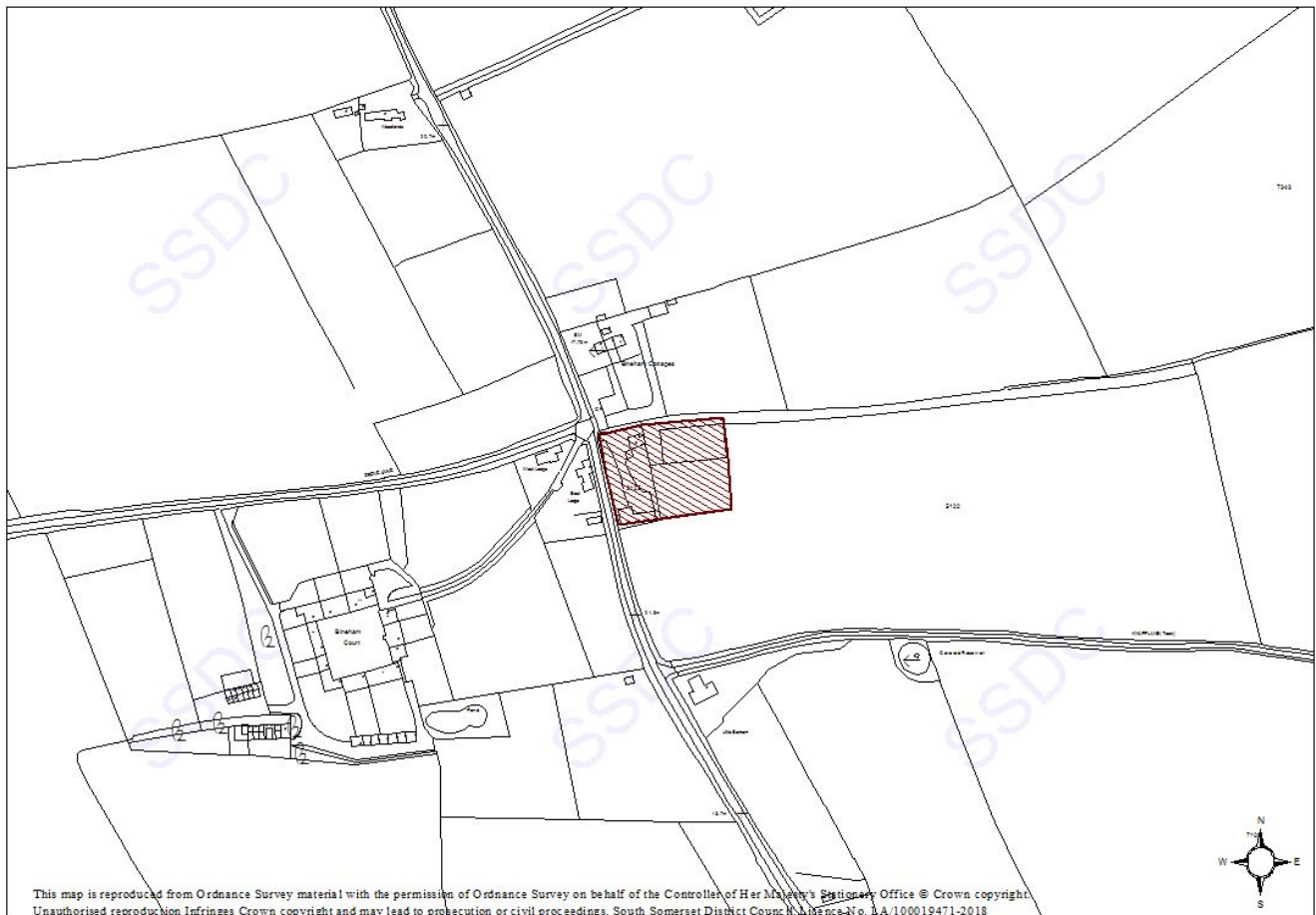
## Officer Report On Planning Application: 18/00769/FUL

<b>Proposal :</b>	The erection of an agricultural building and the stationing of a temporary agricultural workers dwelling.
<b>Site Address:</b>	Land At East Lodge, Bineham Road, Knole.
<b>Parish:</b>	Long Sutton
<b>TURN HILL Ward (SSDC Member)</b>	Cllr Gerard Tucker
<b>Recommending Case Officer:</b>	Alex Skidmore, Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	15th May 2018
<b>Applicant :</b>	Mr Reed
<b>Agent: (no agent if blank)</b>	Clive Miller Planning, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application has been brought to Committee at the request of the Ward Member and by agreement with the Area Chair in view of the local support for the application and to consider further the viability implications of the business.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking planning permission to station a temporary agricultural workers dwelling and to erect a permanent agricultural barn on land at Bineham Farm.

According to the submitted Planning Statement the applicant's holding extends to 47 hectares, much of which is currently rented out, and they currently operate a modest mixed calf rearing and sheep enterprise of their own. The application site forms part of the existing farmstead which includes a modest collection of buildings and a riding arena. The farmyard is used partly for the ongoing agricultural activities and partly for the applicant's other business purposes which include a riding school and a building / ground works business. The applicant's existing house is a substantial dwelling located immediately to the west on the otherwise of Bineham Lane.

There is an existing access serving the farmyard which leads directly on to Bineham Lane. A public right of way, footpath L 21/42, passes parallel with the site from west to east at the northern end of the site. The northern portion of the site sits within flood zone 3.

## HISTORY

10/03424/AGN: Erection of an agricultural building for the storage of fodder and agricultural machinery. Permission not required.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

EP4 – Expansion of Existing Businesses in the Countryside

EP5 – Farm Diversification

HG9 – Housing for Agricultural and Related Workers

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ7 – Pollution Control

National Planning Policy Framework

Part 2 – Achieving sustainable development

Part 5 – Delivering a sufficient supply of homes

Part 6 – Building a strong, competitive economy

Part 8 - Promoting healthy and safe communities

Part 9 – Promoting sustainable transport

Part 11 – Making effective use of land

Part 12 – Achieving well-designed places

Part 14 – Meeting the challenge of climate change, flooding and coastal change

Part 15 – Conserving and enhancing the natural environment

## **CONSULTATIONS**

**Long Sutton Parish Council:** No objection

**County Highways:** Referred to their standing advice

**Council's Highway Consultant:** Acceptance of the principle of this proposal in this location must be largely a planning matter based on 'need' and 'justification.' The traffic impact of the scheme on the local highway network is unlikely to be significant given that workers are likely to be travelling to and from the site already. The means of access to the farm appears to derive from a no-through road close to a road junction. Visibility splays onto the no-through road appear acceptable although this should be checked on site by the planning officer. Sufficient on-site car parking must be provided in line with the Somerset Parking Strategy optimum standards.

**County Rights of Way:** Confirmed that there was a public right of way running adjacent to the site (public footpath L21/42) and referred to their standing advice.

## REPRESENTATIONS

None.

## CONSIDERATIONS

This application is seeking planning permission to station a temporary agricultural workers dwelling and to erect a permanent agricultural barn on land at Bineham Farm.

### Principle of the temporary dwelling

The site is located in an isolated open countryside location where it is remote from any established settlements and day to day services, facilities and public transport and to be an unsustainable location where new residential development should normally be strictly controlled. Policy HG9 of the South Somerset Local Plan however makes provision for agricultural workers dwellings and sets out a number of tests against which such proposals should be assessed and justified:

*“A development proposal in the countryside to meet the accommodation needs of a full-time worker in agriculture, horticulture, forestry, equestrian activities or other business where a rural location is essential should demonstrate that:*

- *There is a clearly established existing functional need;*
- *The enterprise is economically viable;*
- *Provision on-site (or in the immediate vicinity) is necessary for the operation of the business;*
- *No suitable accommodation exists (or could be made available) in established buildings on the site or in the immediate vicinity;*
- *It does not involve replacing a dwelling disposed of recently as general market housing;*
- *The dwelling is no larger than that required to meet the operational needs of the business;*
- *The siting and landscaping of the new dwelling minimises the impact upon the local landscape character and visual amenity of the countryside and ensures no adverse impact upon the integrity of nationally and internationally designated sites, such as AONB.*

*Where a new dwelling is permitted, this will be the subject of a condition ensuring the occupation will be limited to a person solely or mainly working, or last working in the locality in agriculture, horticulture, forestry, equestrian activities or other rural business (or a surviving partner of such a person, and any resident dependants).”*

The submitted Planning Statement states that the applicant owns 37 hectares of land, the majority of which is currently rented out to others, and that at present he runs a ‘part-time hobby farm rearing cattle and sheep’ whilst running a full-time building / ground works business and his wife runs a riding school from the site. It is stated that the applicant is seeking to expand the agricultural business from 17 to 100 calves (calves bought in from other farms to be reared on site to be sold at 16 months of age for finishing elsewhere) and 90 to 150 breeding ewes and they intend to employ a full-time farm manager and part-time farm hands to run the farming business whilst he and his wife concentrate on their other existing businesses. It is argued that the temporary agricultural workers dwelling is required as a full-time employee needs to live on site primarily for animal welfare reasons and that this is necessary as the applicant and his wife are employed in other businesses.

Accompanying the application is an Agricultural Appraisal which sets out in more detail the current and proposed land and labour requirements and detailing the functional need for someone to be available on site along with the projected profitability of the proposed operation. From the details provided it is not

disputed that the proposed business will generate sufficient work to equate to at least a full-time worker or that the nature and scale of calf rearing operations would warrant, on the grounds of animal welfare, a need for a 24 (hr) X 7 (days a week) presence on the site and that on these grounds the farm business meets the functional need criteria for having worker accommodation in close proximity to this operation. It should be noted that as lambing is a seasonal activity which only usually requires an onsite presence for a few weeks a year that this would not justify the need for a dwelling, rather such a need can be met by utilising the temporary change of use rights set out under the GPDO which allows the siting of a caravan for up to 28 days a year.

The financial projections are just that a forecast of what profit the business may generate and some of the detail provided is a naturally a bit scant as a result, however, it is accepted that what has been provided is sufficient to demonstrate that such an enterprise based on current costings has a reasonably likelihood of turning a profit. Whether there is every prospect of the business being financially viable in the longer term is something that the applicant would have to demonstrate during any subsequent application for a permanent dwelling.

Further to the above, it is accepted that the proposed business is likely to have a functional need for someone to reside on site and that sufficient information has been provided to demonstrate that the business is based on an apparently sound financial basis, therefore if there is no other suitable and available accommodation in the vicinity to meet this need then the principle of allowing a temporary occupational dwelling would be accepted.

One of the requirements of policy HG9 is that there is no other suitable accommodation, that is either available or could be made available, on the site or in the immediate vicinity to meet this need. Firstly no information has been provided to demonstrate that the applicant has investigated whether there are any suitable dwellings available locally to meet the needs of the farmworker. Secondly, the applicant owns and resides in the dwelling known as East Lodge which is on the opposite side of the lane and within metres of the farmstead and which could easily meet the requirements of the proposed agricultural operations. Whilst it is acknowledged that the applicant intends to continue to work full-time in his builders / groundworks business and his wife intends to continue running her riding school (neither of which would appear to have planning consent to operate from this site), there is no operational need for them to live here for these activities and it is considered that the existing dwelling, East Lodge, could therefore be made available to meet the needs of the agricultural activities. The scale and nature of the proposed activities do not justify the need for a second dwelling in support of this agricultural holding, which is what in essence this application is seeking. Whilst it might not be the applicant's preference to make East Lodge available for this purpose, such personal choices are not sufficient justification to override the strong policy controls that seek to restrict new residential development in the countryside. This element of the proposal is therefore considered to be contrary to the requirements of LP policy HG9 as well as the provisions the NPPF, in particular paragraph 79.

#### Principle of the proposed barn

From the information provided and bearing in mind the modest range of buildings currently available it is accepted that the increased stock levels would justify the need for the additional building and that this would have the added advantage of being purpose built for the intended use as a calf rearing shed. On this basis the principle of the new livestock shed is acceptable.

#### Other matters

Visually, due to the scale and nature of the proposed development and its close relationship with the existing development on the site it is not considered to cause any substantive harm to visual amenity or the character of the local landscape.

Given the relatively modest size of the proposed livestock shed and its position set away from

neighbouring properties it is not considered that this is likely to give rise to any substantive harm to neighbour amenity including nuisances such as from increased noise, smells, flies etc.

Furthermore, the position and scale of the proposed developments are such that they are not considered to cause any demonstrable loss of privacy, light or overbearing concerns to neighbouring properties.

Part of the farmstead is situated within flood zone 3, however, the position of the proposed developments are outside this area and are located within flood zone 1 where there is a low risk of flooding.

The proposals seek to utilise the existing access which leads on to Bineham Lane which is considered to have an acceptable level of visibility and to offer a safe and suitable means of access to serve the development. It is accepted that adequate parking and turning can be achieved on site to meet the needs of the proposal.

### Conclusion

Given the open countryside location of the site and its remoteness from day to day services it is considered to be an unsustainable location where new build residential development should normally be strictly controlled, unless an over-riding exceptional need for the dwelling can be demonstrated. Whilst it is accepted that the applicant has demonstrated a functional need for a dwelling in support of the proposed business and that sufficient financial information has been provided to support a temporary dwelling, the holding already includes a permanent dwelling which could potentially be made available to meet this need. In essence, the application is seeking a second dwelling on this holding for which a functional need has not been adequately demonstrated, as such this element of the proposal is considered to constitute an unjustified and unsustainable form of development that is in conflict with the requirements of LP policy HG9 as well as the provisions of the NPPF, in particular paragraph 79. For this reason the application is recommended for refusal.

### **RECOMMENDATION**

Refuse permission for the following reason:

Insufficient information has been provided to demonstrate the functional need for an additional dwelling in support of the proposed agricultural enterprise. In particular, it has not been demonstrated why the existing dwelling could not be made available to meet the agricultural needs of the holding or that there is no other accommodation available locally that could meet this need. Given the open countryside location of the site which is remote from day to day services and facilities the proposal is considered to constitute an unjustified and unsustainable form of development that is contrary to the requirements of policies SD1 and HG9 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework, in particular paragraph 79.

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