

<b>Application No:</b>	<a href="#">3/02/18/004</a>
<b>Parish</b>	Brompton Ralph
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Jackie Lloyd
<b>Grid Ref</b>	Easting: 309902      Northing: 131195
<b>Applicant</b>	Mr R Herrod
<b>Proposal</b>	Erection of agricultural workers dwelling
<b>Location</b>	Chilcombe Park Farm, Gandstone Cross to Parks Lane, Brompton Ralph, Taunton, TA4 2RS
<b>Reason for referral to Committee</b>	<b>The recommendation is contrary to the views of the Parish Council</b>

## Recommendation

Recommended decision: Refuse

### Reasons for refusal:

- 1 The Local Planning Authority considers that the applicant has not demonstrated that there is an essential need for a rural worker to live at the farm enterprise. The Local Planning Authority consider the need could be met effectively through the continued use of existing off-site accommodation, Glebe Farmhouse, in close proximity to the application site.

The proposal is contrary to Policy OC1 of the West Somerset District Local Plan and paragraph 79 of the National Planning Framework as an essential need for the proposed dwelling has not been established. The proposal would not amount to sustainable development due to the isolated location of the proposed dwelling.

- 2 The proposed dwelling due to its excessive size, scale, mass and overall height would appear as an unduly incongruous intrusion into the landscape, failing to assimilate into the open countryside, thereby eroding the character and appearance of the area. As such the proposal is harmful to the area and contrary to Policies NH5 and NH13 of the West Somerset Local Plan.

### Informative notes to applicant

#### STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning

Policy Framework. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority.

The proposal was considered to be unacceptable in principle because it was contrary to the strategic policies within the Development Plan / policies within the National Planning Policy Framework and the applicant was informed of these issues and advised that it was likely that the application would be refused. Despite this advice the applicant choose not to withdraw the application.

The application was considered not to represent sustainable development and the development would not improve the economic, social or environmental conditions of the area.

For the reasons given above and expanded upon in the planning officer's report, the application was considered to be unacceptable and planning permission was refused.

## **Proposal**

Permission is sought to erect a 4-bedroom agricultural workers dwelling on land which is currently an open field, in close proximity to existing poultry sheds. The dwelling would be c.310sq.m. floor-space (gross external), c.245sq.m. floor-space (net internal). The dwelling is proposed to be constructed in a traditional style on a north/south axis with the main frontage facing east and comprising one large central gable and two slightly smaller gables, one on either side. The materials are proposed to be a combination of natural stone and painted render with brick quoins at the corners of the walls and either side of the door and window openings. The dwelling would be 9m to the ridge incorporating a steeply pitched roof.

## **Site Description**

The site is located close to the B3188 on the north-eastern side of Pitsford Hill. The land comprises small fields surrounded by hedgerows containing the occasional tree within them and this provides a fairly open aspect to the landscape. It slopes gently away from the main road. An access track exists which currently serves the poultry sheds that comprise the Chilcombe Park farm holding/operation.

The proposed dwelling would be sited one field distant from the road and immediately behind a second hedgerow. A number of large sheds are located to the south and south-east of the site that comprise the existing poultry farm focus of operations. However, despite their size and because of the slope and intervening hedgerows these are not easily visible from the B3188 at the main point of access off the road.

The site is located outside of any existing settlement, the nearest being the village of Tolland c.1m to the north-east and the hamlet of Tarr c.1m to the south-east. The

site is therefore located in the open countryside as far as the spatial development strategy of the West Somerset Local Plan to 2032 is concerned.

Chilcombe Park Farm forms part of the wider holding which is operated by the applicant from Glebe Farm, a farmstead situated within Tolland village. The farm business consists of both an arable enterprise at Glebe and a number of poultry units based in Chard and near Tolland. Glebe Farm extends to approximately 170 hectares. Chilcombe Park Farm has been developed as a poultry site and lies to the south-west of Glebe Farm, approximately 1 mile from Glebe farm where the applicant resides.

## Relevant Planning History

3/02/06/013	Permission granted for livestock shed 31.1.08
3/02/09/008	Permission granted for livestock shed 29.10.09
3/02/13/007	Permission granted for extensions to sheds 25.10.13
3/02/16/006	Permission granted for poultry shed 22.12.16

## Consultation Responses

### *Brompton Ralph Parish Council –*

- Brompton Ralph Parish council held a normal meeting on Tuesday 27th February 2018. At the meeting the planning application was considered.
- A family member on behalf of the applicant attended the meeting and offered additional information to the parish council about the application.

The parish council voted unanimously in favour of the application.

Further submission from Brian Smith:

If the planning department does not accept the decision of the parish council without identified reasons or arguments, then I can now add the views made from my hand written minutes made in my book at the time.

The farm site is well established and traffic would not significantly increase when Mr Herrod moved from Glebe Farm to Chilcombe Park Farm.

Mr Herrod indicated that he was intending to sell Glebe Farm house and move to Chilcombe Park Farm because of local difficulties sustained at Glebe Farm.

Planning Policy OC1 was mentioned indicating that accounts had been submitted to the planning department for the last 3 years to show that the business was viable and sustainable.

There was also a need to live close to the poultry unit in case of emergencies to stock or failure of supporting equipment.

I think the arguments made by the Parish Council strengthen the case made by Mr Herrod for the planning application to be approved.

*Tree Officer* - No response

*Highways Development Control* - No response

## **Representations Received**

Letter of support from Brian Smith re-iterating the Parish Council's comments

One letter of support from St. David's Poultry team about the veterinary requirements of the business which support the need for a dwelling on the site. The needs are seen as being welfare, health and biosecurity.

One letter from Hook 2 Sisters in support of the application on the grounds of bird welfare and biosecurity. The alarm must be responded to within a maximum of 20 minutes.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

### **West Somerset Local Plan to 2032**

OC1	Open Countryside development
SD1	Presumption in favour of sustainable development
NH5	Landscape character protection
NH6	Nature conservation & biodiversity protection & enhancement
NH13	Securing high standards of design

### **Retained saved policies of the West Somerset Local Plan (2006)**

TW/2	Hedgerows
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## **Determining issues and considerations**

There are four main issues that need to be considered in the determination of this application.

### **Principle of the Development**

#### **Policy SD1: Presumption in Favour of Sustainable Development**

Whilst the proposal would appear to be contrary to this presumption by virtue of the fact that the location is in open the countryside, the reason for its siting in such a position is linked to an agricultural undertaking and would not be practical for operational reasons to be sited adjoining an existing identified settlement (Policy SC1: Hierarchy of Settlements), other village/hamlet or grouping of dwellings.

#### **Policy OC1: Open Countryside Development,**

This policy permits certain types of residential proposals where it can be demonstrated that there is an essential need for that type of accommodation for a rural worker close to their place of work. There are two main requirements which need to be met. These are a 'functional' one which requires;

- there is an existing and established need for the activity in the area,
- the need requires the presence of a full-time worker employed in the activity, on-site to provide availability to meet local emergencies associated with it, on a 24/7 basis,
- the need could not be met effectively through use of existing off-site accommodation nearby, and,
- other planning requirements, such as siting and access, can be satisfied.

The second main requirement is an economic one which needs the following criteria to be met;

- the activity can demonstrate that it has been generating a regular on-going need for at least three years, and,
- the proposed accommodation should be commensurate with the established functional need for that accommodation in that location.

The supporting text for the Policy states that essential dwellings for rural workers may be permitted subject to a rigorous assessment of the necessity for the development in the location proposed, and in particular, why an existing dwelling in the local area cannot suffice. The justification for such dwellings must include setting out the functional need for a dwelling in that location and economic evidence to demonstrate the potential viability of the scheme.

This policy is consistent with the requirement of the Framework in that it seeks to avoid isolated new homes in the countryside, unless justified by special

circumstances. An example of such special circumstances is cited in the Framework as being " the essential need for a rural worker to live permanently at or near their place of work in the countryside" (paragraph 79)

In order to determine whether a need is essential and permanent, it has to be established that there is a physical requirement for someone to be on the site at most times and also that the business has reasonable long-term prospects.

An assessment of the business has been undertaken by ACORUS in terms of an Agricultural Appraisal submitted with the application. This is based on the criteria identified in Annex A of withdrawn PPS7: Sustainable Development in Rural Areas. While the tests previously identified in PPS7 are not now government policy, the provision of such information is a useful tool in seeking to establish whether or not there is an essential and permanent need for residency and ascertaining compliance with the Framework and current development plan policy.

PPS7 states that:

New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:

- (i) there is a clearly established existing functional need;
- (ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other planning requirements, eg in relation to access, or impact on the countryside, are satisfied

The following is a summary of the submitted Agricultural Statement:

*"Chilcombe Park Farm forms part of the wider holding which is operated by the applicant from Glebe Farm, a farmstead situated within Tolland village. The farm business consists of both an arable enterprise at Glebe and a number of poultry units based in Chard and near Tolland. Glebe Farm extends to approximately 170 hectares. Chilcombe Park Farm has been developed as a poultry site. The farm provides 37,000 bird places and based on a 63 day rearing cycle and 5.6 batches, total output is around 207,200 free range birds p.a.*

*The enterprise requires more than 3 full time labour units. The applicant manages both the arable operations at Glebe Farm and Chilcombe Park Poultry. His wife undertakes the majority of the day to day and supervisory work for the poultry*

*enterprise with assistance from the applicant. There are 3 free range poultry houses on site providing 37,000 bird places and a grain storage building.*

*The farmstead at Glebe is situated within the village of Tolland and houses the majority of the applicant's arable and equipment storage...modern agricultural development is not ideally suited to a village location....the applicant is keen to relocate the farmstead to Chilcombe Park Farm...it is assumed therefore that the dwelling and farmstead at Glebe will be sold as part of the relocation process.*

*Whilst the dwelling at Glebe Farm will be sold and therefore a replacement farmhouse is required, the principal need for the dwelling is to meet the needs of the business at the Chilcombe Park site. The presence on site is necessary to undertake the management roles effectively and provide the necessary 24 hour supervision of housed livestock. The essential functional requirements on site relate to animal welfare, biosecurity and security. Key functional needs of the poultry are:*

- *The birds require extensive management*
- *Regular attendance and observation. Each house must be walked and checked three times a day.*
- *It is essential to detect health and feed/water problems and ensure immediate treatment.*
- *The worker is required to open popholes to allow the birds to roam.*
- *The presence of a dwelling house prevents members of the public accessing the site.*

*The applicant has a proven profitable and sustainable business and has every prospect of remaining so in the future.*

*It is considered that there are no dwellings on the site, nor any existing accommodation within the locality of the site, which could be considered suitable and available."*

It is clear that the business has been in operation for a long period of time and has grown successfully with successive permissions granted and implemented for livestock buildings, with the first permission being 2008. It is not clear however why there is now a need for a dwelling on the site when the business has operated successfully without this need for a long period of time and being served by the applicant living nearby in Tolland (Glebe Farmhouse) which is approximately 1 mile from the site or approximately 5 minutes by car. The agent acknowledges the farmhouse but states that the "*the applicant is keen to relocate the farmstead to Chilcombe Park Farm...it is assumed therefore that the dwelling and farmstead at Glebe will be sold as part of the relocation process.*" Further, as a requirement of the Policy to investigate suitable alternative accommodation in the area the appraisal states: "*It is considered that there are no dwellings on the site, nor any existing accommodation within the locality of the site, which could be considered suitable and available."*

The requirements of Policy OC1 are that the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. The

existence and availability of Glebe farmhouse fulfils this purpose and the evidence provided in support of the application is not deemed to have met the requirements of the above due to the existing farmhouse being available and located approximately 1 m from the proposed site or approximately 5 minutes by car.

### **Character and Appearance**

**Policy NH5: Landscape Character Protection** states that:

Within the identified landscape character areas, development should be located and designed in such a way as to minimise adverse impact on the quality and integrity of that local landscape character area.

**Policy NH13: Securing High Standards of Design** states that

New development will be expected to meet the highest standards of design. In order to achieve this, all proposals for new development should demonstrate that where appropriate:

An analysis of the constraints and opportunities of the site and its surroundings have informed the principles of design and how the detailed design responds positively to its neighbours and the local context;

The site is located in the Brendon Fringe Landscape Character area (WS Atkins: West Somerset Landscape Character Assessment - November 1999; West Somerset District Council; 1999.) and the Clatworthy Farmlands sub-area within it. A key feature of the buildings within the area are that they are comprised of a combination of small cottages, larger farm houses and agricultural buildings.

The dwelling is sited in a field approximately 72m to the east of the B3188 and opposite the livestock sheds. There is an existing mature hedgerow that forms the western boundary of the site and divides the field within which it is located reflecting the more traditional smaller field patterns that previously formed part of the character of this area. The hedgerow helps to retain the more intimate small-scale agricultural landscape features of this area. A single mature Oak tree exists near the vehicle access to the site. The field of the application site slopes from west to east. The positioning of the existing, large agricultural livestock units has successfully managed to minimise their impact and intrusion on the predominantly open landscape and surrounding area.

The dwelling is proposed to be constructed in a traditional style on a north/south axis with the main frontage facing east and comprising one large central gable and two slightly smaller gables, one on either side. The overall height of the dwelling is 9m to the ridge with a steep pitched roof. The materials are shown to be a combination of natural stone and painted render with brick quoins at the corners of the walls and either side of the door and window openings. The materials are consistent with the various styles and finishes of the dwellings and other smaller buildings in the surrounding area which include natural stone, painted stone and/or painted render.



There is a question, however, with regard to the size of the proposed dwelling when considering the appropriate size of a workers dwelling required to meet the operational needs of the unit that the agricultural worker will be responsible for. Internally the ground floor incorporates a lounge, snug, kitchen, dining area, larder, study, utility, wet room and hallway. The first floor has a bathroom and 4 double bedrooms, 2 of which are en-suite each having a separate dressing room. The 4-bed dwelling is c.310sq.m. floor-space (gross external), c.245sq.m. floor-space (net internal). (For comparison the Office National Statistics suggested equivalent = c. 97 - 124 sq.m and David Wilson Homes 4-bed = c.147 sq.m.). There are serious concerns about the size, scale and mass of the dwelling proposed as it will be significantly larger than the more traditional farmhouses found in the area and would be more prominent a feature in the landscape than needs to be. The agent has stated that the size of the dwelling is justified on the basis that part of the dwelling is required for ancillary agricultural space. However, given the internal layout stated above, it is difficult to see how this has been achieved and in particular the requirements of Policy OC1 that the proposed accommodation should be commensurate with the established functional need for that accommodation in that location. These considerations do not sit well with the reason why rural-workers dwellings are allowed in the open countryside particularly in relation to affordability for such workers over the longer-term not just the immediate need.

The requirement of Policy NH13 that, *An analysis of the constraints and opportunities of the site and its surroundings have informed the principles of design and how the detailed design responds positively to its neighbours and the local context* does not appear to have been undertaken as the submission is silent on this matter. When it is viewed from the B3188 to the west, whilst the hedgerow provides some screening, glimpse views of the dwelling will be visible in the landscape due to its height (9m). From higher ground in certain locations to the north-east (e.g. Dobles Cottage, Tolland), the dwelling would be visible and due to its scale, massing and large areas of glazing, particularly at first floor level is considered to be unduly incongruous in the landscape.

## **Ecology**

Policy NH6: Nature Conservation and the Protection and Enhancement of Biodiversity

There is no evidence of protected species and their habitats in close proximity to the site that would be affected by the proposed development.

## **Access**

The access to the site is existing, serving the existing livestock units. Visibility onto the B3188 is acceptable.

## **Conclusion**

The proposed development is not considered to satisfy the requirements of Policy OC1 in that there exists suitable accommodation to fulfill the functional need of the unit. Further the size, scale and massing of the dwelling is excessive and would be unduly obtrusive and as such it would be contrary to the requirements of the Framework and Policies OC1, NH5 and NH13 of the Local Plan.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.



Application No 3/02/18/004  
 Erection of agricultural workers  
 dwelling Chilcombe Park Farm,  
 Gandstone Cross to Parks Lane,  
 Brompton Ralph, Taunton, TA4  
 2RS

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