

DELEGATED DECISION REPORT

APPLICATION NUMBER

160420

Land at Lower Buckholt Farm, Manson Lane, Welsh Newton, Monmouth,

CASE OFFICER: Mr C Brace

DATE OF SITE VISIT: 29th February and 31st March 2016

Relevant Development Plan Policies:

- SS1 – Presumption in favour of sustainable development
- SS2 – Delivering new homes
- SS4 – Movement and transportation
- SS6 – Environmental quality and local distinctiveness
- RA2 – Herefordshire’s villages
- RA3 – Herefordshire’s countryside
- RA4 – Agricultural, forestry and rural enterprise dwellings
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- LD3 – Green infrastructure
- SD1 – Sustainable design and energy efficiency

Relevant Site History: 150570 – Retention of mobile home and touring caravan for occupation by agricultural workers (retrospective) – Refused

SH800088PO – Erection of an agricultural workers dwelling – Refused

SH800721PF – Erection of an agricultural workers dwelling – Approved w/conditions

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Transportation	√	√			
Ecologist	√		√		
Site Notice	√	√			
Other					
County Land Agent	√		√	√	
Forestry Commission	√		√		
Local Member	√			√	

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application is located in an open countryside location comprising Lower Buckholt Farm, its associated landholding, agricultural buildings, two dwellings and a currently unlawful mobile home and touring caravan used for residential purposes that are the basis of this application.

The application is for the proposed change of use of land for stationing of two mobile homes for agricultural workers for existing dairy business (Retrospective).

Representations:

The **Council's Ecologist** has no objection.

The **Council's County Land Agent** provides updated comments on receipt of updated details as follows –

The cattle numbers are now at the maximum the farm is equipped for and the milk price is reasonable but falling. Calf prices for Holsteins are very low but they do not finish well compared to Fresians and even Fresian cross Holsteins, consequently the lack of demand and why a number of herds are going for slightly lower levels of milk production and much higher value calves. With the number of cows, 550, followers and milking 3 times per day plus the calvings etc the labour demand is high, much higher than it was in 2016, therefore the number of labour units on the holdings is justified. Cows an extra 150 at 3.75SMD per annum, total 562.5, or 2 labour units, followers are much the same. Therefore the labour units needed are justified. Concerning the accommodation the need to be on site is greater now that they are milking 3 times per day, in case of any emergencies and the general time pressure being increased.

It would be helpful to know from the long sustainability of the enterprise how the financial returns compared with the anticipated ones for 2016 when the difference was expected to turn a loss into a profit. It is appreciated that the TB outbreak will have damaged profits and the cash flow, hopefully it will not happen again during the present year.

The mobile homes are only temporary therefore if the business were to cease for what ever reason they could be removed and that area returned to grass.

The **Forestry Commission** has no objection.

Local Member notes the planning policy position and County Land Agents' comments however is concerned about the circumventing of planning and future intention of the applicants.

Pre-application discussion:

The application follows an enforcement investigation and meeting following the refusal of planning reference 150570 with the applicants, their agent and Planning Officers and the County Land Agent.

Constraints:

Impact on the character and appearance of the open countryside
Functional need

Appraisal:

The applicants' breached planning control, siting a mobile home and touring caravan on site. The subsequent application to regularise the situation under planning reference 150570 was refused and despite this the applicants have since positioned a second mobile home on the site. This application attempts to regularise the situation.

One of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or in the immediate vicinity of their place of work to provide essential supervision and management. The need to make an exception to the general policy approach to development in the countryside in order to meet the requirements of rural businesses has long been recognised and this approach to rural workers has been endorsed by the National Planning Policy Framework.

Applications for planning permission for new dwellings advanced through Core Strategy policy RA4 will be based on an accurate assessment of the needs of the rural enterprise. Rural enterprises comprise land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services, tourism and leisure enterprises. The sustainability of the business will be scrutinised to ensure any essential need established can be sustained so the criteria set out in Policy RA4 are not abused.

Where evidence of the economic sustainability of the rural enterprise is not proven or where an enterprise is not yet established, planning permission for temporary accommodation may be granted for a maximum period of three years to enable the sustainability of the enterprise to be assessed. Successive extensions will not normally be granted. Temporary accommodation should be carefully sited within the unit or in relation to other dwellings.

Therefore, in terms of agricultural workers dwellings it will be essential to firstly establish that stated intentions to engage in agriculture are soundly based, reasonably likely to materialise and capable of being sustained for a reasonable period of time. Where proposals are advanced in association with non-agricultural rural enterprises it should also be established that the business could not exist without close and continual supervision.

Policy RA4 – *Agricultural, forestry and rural enterprise dwellings states Proposals for dwellings associated with agriculture, forestry and rural enterprises will be permitted where it can be demonstrated that there is a sustained essential functional need for the dwelling and it forms an essential part of a financially sustainable business, and that such need cannot be met in existing accommodation. Such dwellings should:*

- 1. demonstrate that the accommodation could not be provided in an existing building(s);*
- 2. be sited so as to meet the identified functional need within the unit or in relation to other dwellings and*
- 3. be of a high quality, sustainable design which is appropriate to the context and makes a positive contribution to the surrounding environment and rural landscape.*

Where evidence of the economic sustainability of the rural enterprise is not proven or where an enterprise is not yet established, planning permission for temporary accommodation may be granted for a maximum period of three years to enable the sustainability of the enterprise to be assessed. Successive extensions will not normally be granted. Temporary accommodation should be carefully sited within the unit or in relation to other dwellings.

Dwellings permitted in accordance with this policy will be subject to occupancy controls secured through a Section 106 Agreement. In some situations it will be appropriate to use legal agreements to tie other dwellings to the unit and/or restrict the occupancy of other dwellings within the farm/business unit. on the basis that the proposal is for a temporary dwelling, and with regards to the criteria of policy RA4, a Section 106 agreement is not considered necessary in light of the temporary nature of the proposal..

The NPPF states the purpose of the planning system is to contribute to the achievement of sustainable development and in paragraph 7 considers there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 9 recognises these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. These gains are considered to be, as secured through this application –

- making it easier for jobs to be created in towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work and travel

Section 3 of the NPPF *Supporting a prosperous rural economy* states in paragraph 28 Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should as relevant to this application:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas
- promote the development and diversification of agricultural and other land-based rural businesses
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

The proposal is for two mobile homes for agricultural workers for the existing dairy business and is a Retrospective application. The applicants and their agent state *It should be stressed that long term, there is no intention to seek permission for another permanent dwelling at Lower Buckholt Farm. The aim is merely to seek consent for the two mobile homes, in order to provide suitable staff accommodation whilst the applicants lease the agricultural land and buildings from Mr and Mrs Davies.*

It is noted the second mobile home was placed on site in deliberate and wilful breach of planning and after Enforcement investigation had occurred with regards to the first mobile home and after refusal of planning application 150570. It is reasonable given this and other breaches of planning by the applicants that there is some concern over the intended aims and future intent, however this ultimately cannot be afforded weight in the assessment of the merits of this case.

The assessment of the County Land Agent confirms there is a functional need for the mobile homes, however notes the vulnerability of the sector financially. The LPA notes the applicant has taken on the land in full knowledge they have no accommodation to serve it. An existing agricultural dwelling serving the land is occupied by the landowner complying with the occupancy tie. There is a concern over future intentions and applications for further permanent dwellings here.

On the basis of the County Land Agent's comments approval is recommended with strict occupancy and time limit conditions which will be enforced fully if there is a breach.

RECOMMENDATION: PERMIT ☒ REFUSE ☐

CONDITIONS & REASONS:

1. B02 - Development in Accordance with Approved Plans and Details
2. F13 - Restriction on Separate Sale
3. F14 - Removal of Permitted Development Rights
4. F20 - Temporary Permission and Reinstatement of Land
5. F27 - Agricultural Occupancy
6. G02 - Retention of Trees and Hedgerows
7. G04 - Protection of Trees/Hedgerows that are to be Retained
8. G10 - Landscaping Scheme
9. G11 - Landscaping Scheme – Implementation
10. I32 - Details of Floodlighting/External Lighting
11. I18 - Scheme of Foul Drainage Disposal

TEAM LEADER'S COMMENTS:

DECISION: PERMIT ☒ REFUSE ☐

Signed:  Dated: 25 April 2018