

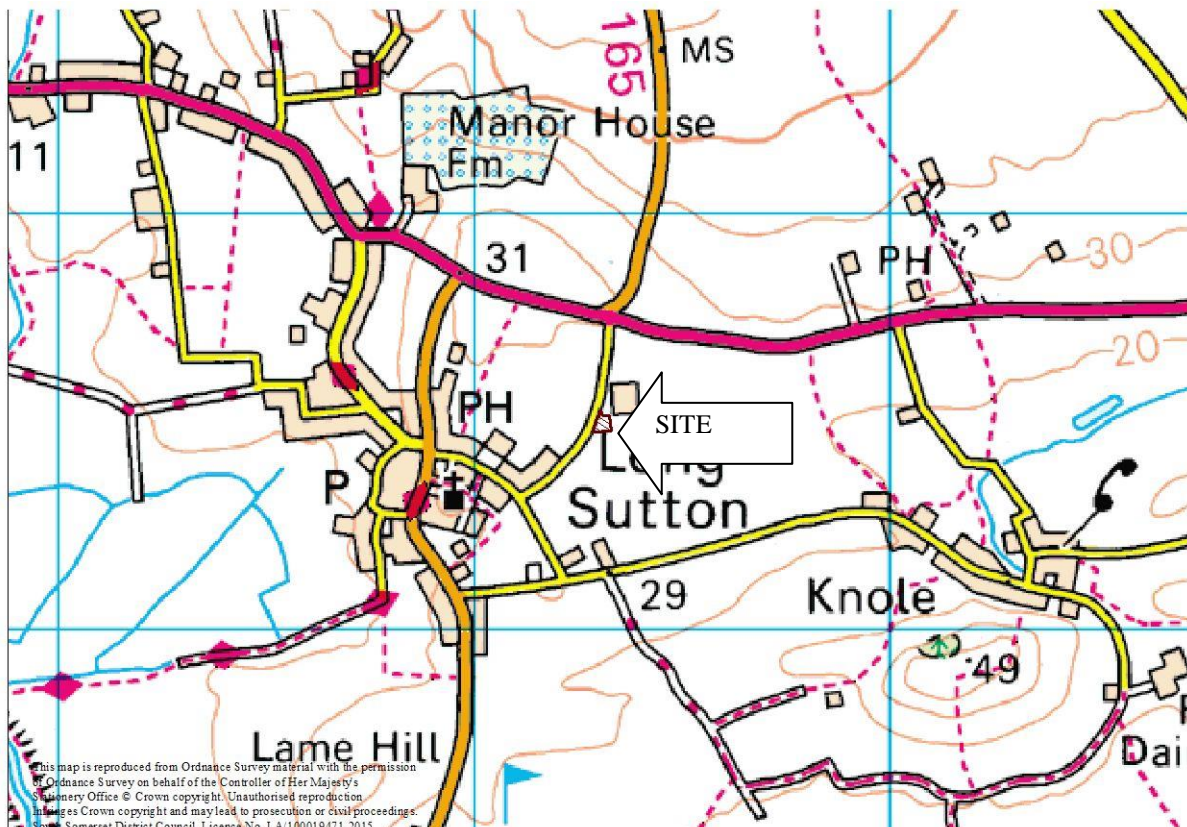
Officer Report On Planning Application: 15/00471/FUL

Proposal :	Proposed erection of an agriculturally tied dwelling (GR: 347228/125445)
Site Address:	Land East Of Knightlands Lane, Long Sutton.
Parish:	Long Sutton
TURN HILL Ward (SSDC Member)	Cllr S Pledger
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	1st April 2015
Applicant :	Mr & Mrs Roger Cox
Agent: (no agent if blank)	Mr Dathan Trent, Della Valle Architects, Lake View, The Maltings, Charlton Estate, Shepton Mallet, Somerset BA4 5QE
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at the request of the Ward Member with the agreement of the Vice Chairman to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The application relates to a farm complex comprising three large agricultural buildings, located on the east side of Knightlands Lane, to the north east of Long Sutton. The three existing buildings and surrounding farmland, comprising approximately 200 acres, are owned by the applicant, who has farmed the area since 1973. It is advised that approximately 100 acres is used for growing arable crops, with a further 100 acres being permanent pasture.

The application is made for the erection of a four bedroom detached agricultural worker's dwelling on land adjacent to the agricultural buildings. The dwelling is proposed to be constructed from local natural stone, with double roman tiles.

HISTORY

None

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1 - Sustainable Development
SS1 - Settlement Strategy
SS2 - Development in Rural Settlements
HG9 - Housing for Agricultural and Related Workers
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General Development
EQ4 - Biodiversity

National Planning Policy Framework

Core Planning Principles - Paragraph 17
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 11 - Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

Design
Natural Environment
Rural Housing

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2013)

CONSULTATIONS

Parish Council: Support.

County Highway Authority: Standing Advice applies.

Natural England: No objection.

SSDC Environmental Protection Officer: No objection, however a condition is requested to require the applicant to investigate the site for landfill gases to ascertain whether gas protection measures are required, prior to commencement. Alternatively, gas protection measures should be installed as a precautionary measure.

SSDC Ecologist: No comments nor recommendations to make.

SSDC Landscape Architect: NPPF para 55 is quite clear that LPA's should avoid new isolated homes in the countryside, unless there are special circumstances. This site lays outside the curtilage of village form, such that its location - whilst not 'isolated' - can be considered to be sufficiently removed from the village edge to be undesirable in landscape terms. Additionally, the introduction of a residential form into this rural location (the adjacent farm buildings notwithstanding, which are typically associated with a rural context) with its associated nightlight and vehicular movement, is seen as being at variance with the local rural character of this agricultural landscape. Hence, unless there are considered to be compelling agricultural reasons for a new dwelling, then there is no landscape support for this proposal.

SSDC Economic Development Team Leader: The Economic Development Team Leader supports the proposal from an economic point of view, although acknowledges that the current

existing arable farming enterprise does not provide sufficient functional need for the proposed permanent accommodation. Full comments are as follow:

14th April 2015 Your thoughts regarding the functional test being met for this and the possible approval of temporary accommodation are based on this being a new venture. In reality, the applicant has farmed the land for the past 40 or so years and has resided in premises which are independent of the farm holding. Now, through the aging process, the applicant finds himself unable to manage the day to day tasks of cattle handling, movements etc as well as he was once able and is seeking the permanent assistance of an employee living on site.

Like you, I agree that arable farming cannot provide sufficient functional need for accommodation. However both sheep and cattle (particularly the latter) do. The applicant has been housing other people's cattle in recent years following a serious fire on site which removed fodder and livestock handling equipment. Now, he is wanting to revert back to owning his own stock in the form of 35 suckler cows. There is a very fine line with this application, yet in my deliberations I am giving thought to the continued farming activity at this holding and creating a viable business opportunity after the applicant is no longer able to farm it himself. By allowing this application to build a new residence, providing it is tied through the necessary agreements to the 200 acres of owned land should provide a viable business well into the future.

I know that security is not considered a reason for permitting residential consent on agricultural properties, yet this holding has really suffered with arson and theft over a long period. If the viability is to continue into the future, providing consent for a residence will allow for the continuation of an agricultural business well into the future, long after the applicant is able to farm the land himself. The key to this application for me is if there is a willingness to tie the land to the proposed new residence. If this is agreed, then I am comfortable that a viable business opportunity will continue at this location for many years to come and would support the application.

20th April 2015 I was unaware that the tying of premises to land is no longer encouraged. In light of your response, then the functional test alone for this application is probably harder to prove. I am saddened the amount of owned land, range and quality of the farm buildings and the location just off the village centre is missing just one thing, a residence - if it is to remain a viable holding long after the applicant is able to farm there. I guess the applicant should consider the functional need element again if he is to prove sufficient need. Perhaps I am being too sentimental with this one John. It was not many years ago Somerset County Council owned dozens of farms and provided an opportunity for new entrants into agriculture. I see this as an opportunity for a farm unit to be created to continue that trend, yet the reality is that in a few years the opportunity will be lost. Based on your comments, I would have to agree the functional need of this application is weak.

REPRESENTATIONS

None

CONSIDERATIONS

Principle of Development

The main issue for this application is whether there is an agricultural need for a permanent dwelling sufficient to outweigh the aims of local and national planning policies that seek to restrict development in the countryside.

Firstly, in regard to need, the application will be assessed against the requirements of paragraph 55, chapter 6 of the National Planning Policy Framework (NPPF), which states *"Local Planning Authorities should avoid new isolated homes in the open countryside unless there are special circumstances such as...the essential need for a rural worker to live permanently at or near their place of work in the countryside."* and South Somerset Local Plan policy HG9. Prior to the publication of the National Planning Policy Framework (NPPF) in March 2012, Annex A to Planning Policy Statement 7 (PPS7) was notably prescriptive in setting out the criteria that would have to be met in order to prove that need. The NPPF (paragraph 55, as above is visibly less prescriptive, however the essence of PPS7 Annex A is mirrored in Local Plan policy HG9, which states:

"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 dependents)."

Taking these criteria in turn:

Clearly established functional need

The application is supported by an agricultural appraisal, accounts for years 2012, 2013 and 2014, and an estimated budget for future years. At present the applicant runs an arable farming enterprise and a small flock of sheep, with the buildings at the farm complex rented out to other people for housing cattle from around November to March. Up until 2012, the applicant ran a suckler herd of 35 breeding cows and followers but decided to leave the beef production trade due to the theft of cattle handling equipment and loss of livestock trailers in a fire caused by arson. Under the current business, there is no functional need to be on site. While security is a contributory factor in justifying a functional need, this is not sufficient alone and is usually justified on the basis of animal welfare grounds. The applicant's arable enterprise does not provide a requirement to be on the site.

The main justification for the need is the applicant's stated intention to increase ewe numbers and also re-commence their suckler herd, with the existing pasture land of approximately 100 acres said to be able to support a ewe flock of 250 plus lambs and a suckler herd of 35 cows plus offspring. It is further calculated, using the Standard Man Day Calculation (SMD) that there is a labour requirement of 1.06 persons required for this projected number of animals. The applicant is now 85 years old and is unable to fulfil the labour requirements necessary,

currently using contracted labour to assist in many of the day to day agricultural operations. The applicant wishes to remain in agriculture and preserve the farm for future generations. The property is therefore sought to allow a full time worker to be employed on the farm and to be able to live on site, providing the welfare and associated security requirements, necessary for carrying out such a business. It is stated within the agricultural business appraisal that the full time worker will also be contracted out during less busy periods of the year. In considering this 'need', it is acknowledged that there does appear to be generally satisfactory justification of the functional need, however the problem being that this is not an existing need but a projected need that potentially may never come to fruition. The applicant does run a very successful and viable business, however this does not include the key elements (i.e. livestock) which provide the functional need to provide a permanent dwelling. In a situation such as this, where there is a projected need, it is usual practice to allow a temporary dwelling, ordinarily for a period of three years, to allow the proposed business to be established and profitable, at which point a permanent dwelling may then be permissible, subject of course to other relevant planning considerations. It is therefore considered that if this application had been for a temporary dwelling, it may be appropriate to recommend approval. On the basis that this is for a permanent dwelling, it is not considered acceptable, as such the recommendation is refusal.

The Council's Economic Development Team Leader has commented on the application, supporting the proposal from an economic point of view, as they note that this is a well located farm enterprise, close to the village centre, with the potential to make a good and viable business in the long-term, beyond the applicant's ownership. This is however limited by the lack of a dwelling. Despite supporting the principle, The Economic Development Team Leader acknowledges that the argument in support of a functional need is weak. For this reason they offer their support but on the proviso that a legal agreement is entered into to tie the proposed dwelling to the associated land and buildings. This is an approach that was common practice when approving an agricultural worker's dwelling in the past, however it is no longer considered appropriate. There have been several appeal decisions in the recent past, where it is not deemed appropriate to impose such limitations. It is advised that where an established need is shown and approval granted, the only appropriate control is the standard agricultural occupancy condition. This is because the approval is seen to be sound on the basis of the justification, however it may be that another agricultural worker, not related to the original business could want to occupy the dwelling in the future. By tying the dwelling to land and buildings, this then pushes up the price of the dwelling, making it less affordable and viable. In this case, no existing need can justify the dwelling and there are no acceptable controls that would realistically require the projected business growth to be carried out, potentially allowing a permanent dwelling to be constructed without the need ever being introduced. Having accepted that the suggested controls on the dwelling are not implementable, the Economic Development Team Leader accepts that the proposal is not supported by adequate functional need for a permanent dwelling. As a final note on the established need, it is again pointed out that there may be considered appropriate justification for the provision of a temporary dwelling to allow the livestock element of the business to reach an appropriate level to allow a permanent dwelling. Planning Officers have contacted the applicant's agent to suggest that a temporary dwelling is applied for instead of permanent but the applicant is insistent that they only wish to apply for a permanent dwelling. As such, the proposal is recommended for refusal.

The enterprise is economically viable

The existing business has been shown to be well-established for a period in excess of 40 years and is currently profitable, however as explored above the existing business does not include the livestock elements necessary to approve this application. It is however reasonable to take the view that the business would continue to be economically viable in the event of the proposed livestock being introduced, as stated. It is still however necessary for a temporary dwelling to be approved to ensure that the proposed business expansion is properly

established and shown to be viable, before a permanent consent is granted.

Provision on-site (or in the immediate vicinity) is necessary for the operation of the business and no suitable accommodation exists (or could be made available) in established buildings on the site or in the immediate vicinity

Due to the nature of the proposed farming enterprise, it is accepted that there would be a need for a presence on site, or very nearby. The applicant has argued the need for occupation 'within sight and sound' of the livestock buildings and goes on to advise that there are no such dwellings within the applicant's control or buildings that could be converted. It is stated that the nearest town with dwellings readily available for occupation is Langport. It is of course acknowledged that Langport is too distant, however the site is approximately 250m from the developed edge of Long Sutton and no evidence has been put forward in respect to availability of local dwellings, or lack of it.

It does not involve replacing a dwelling disposed of recently as general market housing

The farm was previously based at the centre of the village, with the previous yard and buildings being converted into dwellings in the early 2000s, and the enterprise having since been based at the existing site. A significant length of time has passed since these events and the Local Planning Authority are unaware of any other dwellings being disposed of in more recent history.

The dwelling is no larger than that required to meet the operational needs of the business

The proposed dwelling is a 4 bedroom property of approximately 200 square metres in floor area, which is relatively large in scale, however new principle agricultural worker's dwelling are typically sized up to 200 square metres in floor area. It is therefore considered that the size of the dwelling is broadly acceptable, although it is of course noted that the principle of the development is not accepted on the basis of lack of appropriate justification of a functional need.

- 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.

The proposal has been considered by the Council's Landscape Architect, in respect to local landscape character. It is noted that this is an open countryside location, where development would normally be undesirable and there would be no landscape support, unless there is proved to be appropriate justification. Overall, the proposal is well related to the existing agricultural buildings, which would minimise its impact on local landscape character, however on the basis that the justification put forward for a permanent dwelling is not accepted, it is further considered that the proposal is at variance to local rural character and is therefore not considered to be acceptable.

In regard to designated sites, it is note that the application site is in close proximity to Somerset Levels and Moors Special Protection Area (SPA), which is a European designated site. It is also listed as a Ramsar site and notified at a national level as Wet Moor Site of Special Scientific Interest (SSSI). Despite the proximity, the proposed development is not considered to have any adverse impact on this European, national and locally important site.

Other Issues

The other key consideration is highway safety. The County Council have advised that Standing

Advice should be applied. In considering the proposal against the County Standing Advice, it is noted that the proposal will make use of an existing farm access that is properly constructed and meets the necessary visibility requirements (2.4m by 43m). Furthermore, other requirements such as the provision of a properly consolidated surface, provision of adequate levels of parking and turning space are either currently available within the site or can be accommodated satisfactorily. As such, the proposal is not considered to have any detrimental impact on highway safety.

Conclusion

Having assessed the proposal against the appropriate local and national planning policy guidance, it is not considered that the proposed permanent dwelling is adequately justified, as the functional need cited relates to a projected expansion of this existing business, which does not currently meet the appropriate essential need for a dwelling on site. On the basis of the proposed livestock elements of the business being likely to meet the functional requirements, it is necessary for the applicant to establish the projected business operation for a reasonable period of time prior to a permanent dwelling being considered appropriate. As such, it may be that a temporary dwelling could be supported at this moment in time, however this is not what has been applied for and therefore the application is recommended for refusal.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON:

01. It has not been suitably justified that there is an essential need for a rural worker to live permanently at the site. As such the case for the construction of a permanent dwelling is not sufficient to outweigh the aims of local and national planning policies that seek to restrict development in the countryside. Furthermore it has not been demonstrated that alternative accommodation is not available in close enough proximity to the site to be able to serve any need. The proposal is therefore contrary to policies SD1, SS1, SS2, HG9 and EQ2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.

Informatives:

01. The applicant is advised that an application for a temporary dwelling on this site, may be able to be supported by the Local Planning Authority, on the basis of the proposed diversification into livestock farming.
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