

Area North Committee – 22 May 2013

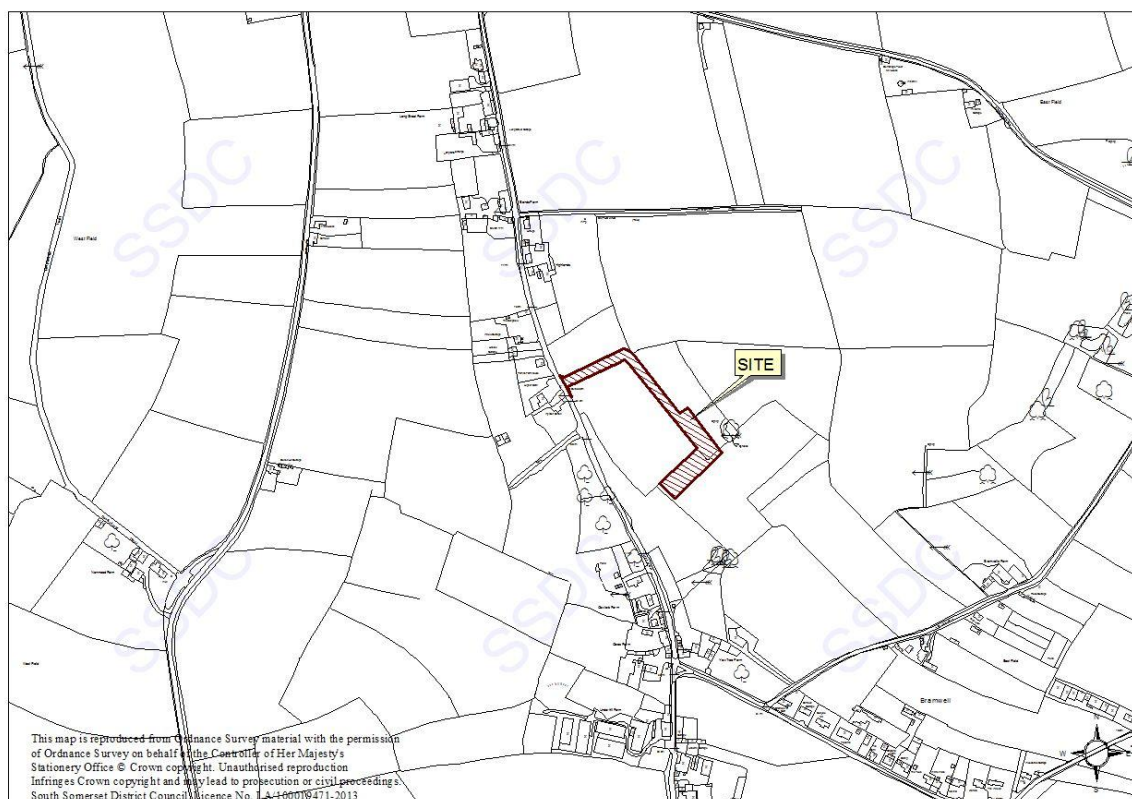
Officer Report On Planning Application: 12/04412/FUL

Proposal :	Erection of calf rearing unit, siting of temporary agricultural workers dwelling and improvement to existing access (GR:343013/130054)
Site Address:	Land East Of Long Street, High Ham
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Cllr Shane Pledger
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	14th January 2013
Applicant :	Mr J Godfrey And Mrs L Bebbington
Agent: (no agent if blank)	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport, Somerset TA10 9SB
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO PLANNING COMMITTEE

This application is being referred to Area North Committee at the request of the Ward Member, with the agreement of the Chair, in view of the level of public interest and to allow further discussion of the issues raised.

SITE DESCRIPTION AND PROPOSAL



This application is seeking full planning permission to erect a calf rearing unit, to site a temporary agricultural workers dwelling and to carry out alterations and improvements to an existing access.

The application site is agricultural land that forms part of a wider landholding totalling 25.5 acres that is located in the open countryside. The site is accessed via an existing field gateway leading on to Long Street to the west and is positioned part way down the side of this south / southeast facing hill slope towards the southern end of the landholding. The holding comprises four fields that are bounded predominantly by native hedgerows with the boundary immediately to the west of the redline site for the proposed buildings interspersed with mature trees. There are a number of residential properties located close to the holding, with the closest group of dwellings to the proposed calf-rearing building approximately 120m to the southwest, there are also several residential properties situated immediately opposite the proposed access to the site. At the time of the site visit the land was being used to graze sheep.

HISTORY

None.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The development plan comprises The Somerset and Exmoor National Park Joint Structure Plan Review and the South Somerset Local Plan (2006):

The policies of most relevance to the proposal are:

Somerset and Exmoor National Park Joint Structure Plan (1991-2011):

STR1 - Sustainable Development
 STR6 - Development Outside Towns, Rural Centres and Villages
 Policy 1 - Nature Conservation
 Policy 5 - Landscape Character
 Policy 19 - Employment and Community Provision in Rural Areas
 Policy 49 - Transport Requirements of New Development

South Somerset Local Plan 2006:

ST3 - Development Areas
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 EC3 - Landscape Character
 EC7 - Networks of Natural Habitats
 EC8 - Protected Species
 EP1 - Pollution and Noise
 EU4 - Water Services
 HG15 - Agricultural and Forestry Dwellings

National Planning Policy Framework:

Part 1 - Building a strong, competitive economy

- Part 3 - Supporting a prosperous rural economy
- Part 4 - Promoting sustainable transport
- Part 6 - Delivering a wide choice of high quality homes
- Part 7 - Requiring good design
- Part 8 - Promoting Healthy Communities
- Part 10 - Meeting the challenge of climate change, flooding and coastal change
- Part 11 - Conserving and enhancing the natural environment

CONSULTATIONS

High Ham Parish Council: Recommends refusal and made the following comments:

- There is no meaningful information is available to assess whether the new enterprise is viable and will become profitable.
- PPS7 states that planning authorities should not normally give temporary permissions in locations where they would not permit a permanent dwelling. We do not believe that the planning authority would look favourably upon a permanent dwelling in this location.
- We question whether there are special circumstances in this instance that makes allowances for a dwelling in this location.
- The submission does not address the question of whether the functional need could be fulfilled by other existing accommodation.
- The agricultural building will have a significant impact on the landscape and be dominant feature for miles around.
- We have concerns in respect of the impact of the proposal upon the quality of ground water from the storage of manure as well as odours.
- We have concerns about the impact of noise resulting from this proposal will have on local residents.
- Concerns about increased traffic. Long Street is a single track road and unsuitable for heavy goods vehicles. This concern also applies to the many smaller feeder roads to and from the site. We question the number of vehicle movements suggested by the applicants.
- The proposed access and track along with the agricultural building will introduce a huge scar on the landscape and ruin a beautiful natural hillside where there are no existing structures.
- There has been severe flood problems in the area in recent years with the drainage infrastructure unable to cope with heavy storm waters. No flood assessment has been provided or information provided to demonstrate how water run-off will be managed.
- Given the significant gaps in the case put forward the Parish Council recommend that the planning authority employ a qualified professional to scrutinise the viability of this scheme.

Technical Officer: No comment

County Highways: Raised sustainability concerns given the location of the site remote from adequate services, facilities and public transport but acknowledged that it must be a matter for the LPA to determine whether the site is suitable for a new dwelling and can be appropriately justified.

The proposal incorporates a number of improvements to the existing access, should the LPA grant consent I recommend that conditions relating to the following matters be imposed:

- gradient of the access not to be greater than 1 in 10;
- provision of a properly consolidated access;
- surface water drainage scheme to prevent discharge onto the highway;
- provision of the parking area;
- no obstruction to visibility greater than 900mm;
- any entrance gates to be set back a minimum distance of 10m from the highway and to open inwards.

County Archaeology: No objections.

English Heritage: The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Environmental Protection: No objections

Landscape Architect: If there is sufficient justification for the proposed buildings then I can confirm that the location before us is the most appropriate site within the holding. The application broadly follows my previous advice to the applicant in terms of the siting and orientation of the calf-rearing building and the use of muted colours for the building materials. Should the application be recommended for approval please condition the colour of the roof cladding and a planting proposal.

Agricultural Development Officer: (Latest comments) I am familiar with each of the farms that the letters and emails of support have been received from and removes my concerns about the applicants' access to sufficient numbers of calves to make the business case viable.

(Initial comments) I consider the proposed business of intensive calf rearing to be viable on this size of holding, also the applicants seem to have the necessary experience and skills to undertake the proposed venture. The applicants have demonstrated clear evidence of a firm intention and ability to develop the enterprise. I conclude that the size of the proposed agricultural building to be sufficient to accommodate the proposed number of calves along with winter storage of fodder and machinery and that its design is fit for purpose. Whilst I am comfortable with the economic requirement of the agricultural building clarification is required in the following areas to demonstrate the functional need for the dwelling:

- i) Information should be provided detailing who the contract rearing will be for and that there is a continued growth in the demand for such services.
- ii) Confirmation of the age that the calves will be returned to their respective farms. If this is at six months of age this would suggest that there will not be 240 calves on the farm the whole year round in the first year. The applicant should provide details of the expected number of calves on the farm broken down by each month.

REPRESENTATIONS

Written representations have been received from twelve local residents, two in support of the proposal and 10 opposed.

The ten representations objecting to the proposal made the following comments and observations:

- This is a greenfield site where planning is not usually granted for residential development. This is creeping urbanisation.
- This will spoil the landscape.
- Inappropriate location given that there are no existing buildings on this land. The proposal could set a precedent for others.
- The position and size of the development, on raised ground, will be an eyesore that is visible from across the valley.
- Additional traffic on the village roads.
- The proposed access on to the highway is too narrow and has poor visibility.
- Adverse impact upon highway safety due to the size of livestock lorries and the narrow width of the local road network and harm to the condition of the road surface which is already breaking up.
- Deposition of muck and increased run-off on to the highway.
- Make the current flooding problems at the lower end of Long Street worse.
- The local surface water drainage system is already overloaded, our property has recently been flooded as a result.
- There a number of springs and areas of boggy ground within the site.
- This is a residential area.
- Adverse impact on residential amenity resulting from unpleasant odours and increased noise.
- Potential contamination of local springs which supply water to some properties locally.
- The proposal provides no local employment or other benefits to the local area.
- If the business is not successful the calf rearing building will not be removed. Change of use could be to anything.
- When a permanent dwelling is built the business might cease.
- The viability and need for this business is questionable. The demand for calf rearing and specifically dairy replacements has been in decline for the last decade which t size of the average dairy herd has increased with dairy farmers becoming specialists in rearing their own replacements themselves.
- At the parish meeting the applicants stated that the calf business would only support one person on a minimum wage and that they did not intend to expand the business.
- The holding is too small to cope with the amount of muck that will be produced. The proposed dwelling is not necessary, there is existing property available locally.
- This type of business does not require a dwelling on site.

The two representations in support of the proposal made the following comments and observations:

- It is a pleasant change to have a young couple with a family planning for a future in this village, especially in agriculture.
- It is important for agriculture to be part of this rural village.
- The applicant's plan to plant hedging and trees to partially screen the unit from view and to harvest rainwater which will help with the flooding issues.
- The existing access has already been used by large tractors and silage trailers.
- The applicants have already re-routed water that flowed off the field into the road back into the ditches.
- The applicants have shown knowledge and a willingness to help and improve issues within the community and will be an asset to our rural community.

APPLICANT'S CASE:

The applicants, James Godfrey and Lisa Bebbington, are both from farming families and have worked in the rural sector for many years. James Godfrey is a self-employed agricultural worker and Lisa Bebbington is self-employed rearing calves along with other farm / equestrian related work. They currently reside in the Wincanton area and have purchased this landholding to start up their own business specialising in calf-rearing, which they state has a long-term demand. They state that it is essential for someone to reside on site within sight and sound of the livestock unit for animal welfare reasons and that the holding is not currently supported by a dwelling and there are no existing buildings that could be converted for this purpose. They state that:

- The enterprise is based on a sound business plan;
- Has adequate funding available to start up and run the business and afford to pay a full-time worker along with all other overheads;
- The applicants have extensive specialist calf-rearing knowledge, skills and experience;
- There is an essential need for at least one full-time worker to live on site;
- There will be no adverse impact on the built environment or landscape character or cause any conflict with the residential amenity of nearby properties;
- The proposal includes improved access arrangements to the holding.

CONSIDERATIONS

This application is seeking full planning permission to erect a calf-rearing building (measuring approximately 36m long, 12.5m wide and up to 6m high), to site a temporary agricultural workers dwelling in association with the proposed calf-rearing enterprise and to carry out alterations to the access.

Principle:

The site is located in the open countryside, remote from any established settlements or development areas where new residential development is to be strictly controlled. Policy HG15 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:

"Proposals for agricultural or forestry worker dwellings will only be permitted in the countryside where:

1. *The dwelling is essential for the proper functioning of the enterprise so that one or more workers would be readily available at most times. In cases where a functional test alone is not conclusive, it may be appropriate also to apply a financial test;*
2. *The need is for accommodation for a full-time worker, or one primarily employed in agriculture;*
3. *No other housing accommodation is available for occupation locally by the worker concerned that would fulfil the functional need;*
4. *The necessary accommodation cannot be provided by the conversion of an existing building or structure on the holding.*

.. Where there is inconclusive evidence supporting the need, temporary planning permission may be granted for temporary accommodation on a new farm unit, to

allow three years to test the viability of the proposal.

The renewal of a temporary planning permission for temporary accommodation will not be granted if the case for permanent accommodation has not been made by the end of the temporary period."

It is noted that the emerging Core Strategy, which has limited weight, incorporates very similar policy guidance under Policy HG8 with regards to demonstrating an essential need for such dwellings.

The NPPF is clearly supportive of rural enterprises as well as the protection of the countryside. Paragraph 55 of the NPPF states 'Local planning authorities should avoid new isolated homes in the 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'.

Viability and Functional Need

SSDC's Agricultural Development Officer has acknowledged that the nature of calf-rearing operations are such that there can be a need for 24 hour on-site supervision for animal welfare reasons. The provision of testimonials from a number of local established farmers demonstrates that there is a demand for this type of service and it is accepted that the business case put forward is based on a viable long-term strategy. The applicants have acknowledged that in the first year the unit may take a number of months before it is running at full capacity but that this will depend on the type of contract they have with their clients, i.e. with calves either arriving in smaller monthly batches and gradually building up the numbers or in block batches every six months. After the initial six months of operating however they anticipate being at full capacity thereafter (120+ calves on site at any one time). On this basis it is accepted that the holding could have sufficient work for at least one-full time worker and potential a need for 24 hour on-site supervision.

Given that the applicants are unable to secure a calf-rearing contract until planning permission has been granted there is an element of uncertainty as to eventual livestock numbers and the operational requirements of the holding. Policy HG15 however allows for the provision of temporary accommodation where the evidence supporting the need for an agricultural dwelling is inconclusive. In this instance, taking into consideration the viable nature of the proposed business plan, the applicants agricultural experience and the testimonials provided by potential clients it is considered that a sufficiently robust case has been made to allow a temporary dwelling for three years. Over this period the applicants will have the opportunity to build up the business and to demonstrate its long-term functional requirements and viability prior to applying for a permanent dwelling.

Availability of Other Accommodation

The proposal is sought to set up a new agricultural holding and it is acknowledged that there are no existing dwellings on this holding or existing buildings that could be converted to habitable accommodation. The applicants do not appear to have given much consideration to other existing accommodation that might be available within the wider locality, such as the nearby villages of High Ham and Low Ham. Having reviewed the available accommodation within these villages and the nearby surroundings there does appear to be a number of properties for sale, however these properties are all in excess of £300k and many a great deal more expensive. It is arguable however that such accommodation could either be affordable or be practical in terms of meeting the on-site functional needs of the business, it is therefore accepted that there is no existing

suitable accommodation available to meet the needs of the proposed holding.

For these reasons the proposed temporary dwelling is considered to be acceptable in principle.

Landscape and visual amenity concerns

The proposed calf-rearing building, which measures approximately 36m long, 12.5m wide and up to 6m high, and temporary dwelling are to be sited on the side of a south / southeast facing hill slope and will be accessed via a new track which will run eastwards across the brow of the hill before taking a southerly direction directly down the face of the hillside.

The proposed access track is to be laid with hardcore and subsequently seeded with grass to ensure that it blends into the side of the hill, and the siting of the proposed buildings, lower down the hillside alongside an existing field hedgerow, should be relatively unobtrusive within the wider landscape. The Landscape Officer has raised no substantive landscape objections to the proposal and is of the view that the siting of the buildings is the most suitable on this holding from a landscape perspective and that the finishing of the track with grass should ensure that this element of the proposal assimilates acceptably into the side of the hill.

For these reasons, and subject to suitable conditions relating to the colour of the roofing material for the agricultural building, the construction methods and surfacing of the access track and the provision of a planting scheme, the proposal is considered to raise no substantive landscape or visual amenity concerns.

Residential amenity

There are a number of residential properties situated close to the holding with the closest group of dwellings to the proposed calf-rearing building located approximately 120m to the southwest and several other properties located immediately opposite the proposed access to the holding. A number of local residents have expressed concern in respect of odour and noise in respect of the calf-rearing operation. The Environmental Protection team have been consulted in this respect but are of the opinion that the proposal is unlikely to result in a statutory nuisance to nearby residents. Bearing this in mind and taking into account the scale of the proposal and the intervening distance it is considered that the proposed development should not cause any demonstrable harm to the residential amenities of neighbouring residents.

Access and highway safety

The proposed development is to be accessed via an existing field gateway leading on to Long Street that runs along the west boundary of the holding. The proposal includes improvements to the visibility splays, repositioning of the gateway 10 metres back from the edge of the carriageway and laying concrete hardstanding at the access. The highway authority is satisfied with the proposed alterations to the access and has raised no specific highway safety concerns, subject to the imposition of a number of conditions.

It is noted that the Parish Council and a number of local residents have raised concerns in respect of the narrow width and poor condition of the local road network which they feel is not suitable to accommodate any significant increases in traffic or large farm vehicles. Whilst it is accepted that the local road network is relatively narrow with limited passing places and that the proposal is likely to result in an increase in traffic, particularly farm traffic, to the site bearing in mind the agricultural nature of the proposal and its

relatively modest scale the overall level of traffic is unlikely to cause any significant highway safety issues. As such it is considered unreasonable to object to the proposal for reasons of highway safety.

Flooding and drainage

The Parish Council and a number of local residents have raised concerns in relation to flooding and drainage, stating there has been recent flood problems in Low Ham during storm events and that they are worried that the proposed development could add to this issue. They have also raised concerns that dirty water runoff could contaminate local water supplies.

The application site is not located within either flood zones 2 or 3 and is not therefore considered to be at risk of flooding. A drainage condition forms part of the officer's recommendation which will address water runoff and on this basis there is no reason why the proposed development should cause any significant increase in flooding elsewhere. The proposed development falls under the standing advice of the Environment Agency which raises no specific concerns and the Council's Technical Engineer has made no objection or observations in respect of the scheme.

In regard to the contamination issues, the site is not located within a ground water catchment area and there is no evidence available to suggest that the proposed development will adversely affect water quality in the locality.

Archaeology

There are two scheduled ancient monuments within the local area, both are sites of roman villas, one approximately 1.1km to the southeast at Low Ham and the other approximately 1.9km to the east at Stowey Hill. Neither English Heritage or County Archaeology have raised any concerns or objections to the proposed development, as such the proposal is not considered to adversely affect the setting of these scheduled ancient monuments.

Conclusion

Having regard to the information provided with this application it is considered that the applicants have demonstrated a sufficiently robust case in support of the need for a temporary dwelling in association with the proposed calf-rearing enterprise. The proposed development raises no substantive landscape or visual amenity concerns, is not considered to cause any demonstrable harm to the residential amenities of nearby properties or to be unduly prejudicial to highway safety or lead to any significant adverse effect on flooding in the area. For these reasons the proposed development is considered to comply with the aims and objectives of the NPPF and Policies ST3, ST5, ST6, EC3, EP1 and HG15 of the South Somerset Local Plan and is therefore recommended for approval.

RECOMMENDATION

Grant permission

Justification

The proposal is considered to have satisfied the functional requirements for a temporary agricultural workers dwelling and the overall scheme is considered to respect the character of the local landscape and results in no demonstrable harm to visual or

residential amenity or highway safety in accordance with the aims and objectives of the NPPF (Parts 1, 3, 4, 6, 7, 8 and 11), Policies STR1, STR6, 5 and 49 of the Somerset and Exmoor National Park Joint Structure Plan and Policies ST3, ST5, ST6, EC3, EU4, EP1 and HG15 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The mobile home hereby permitted shall not be moved on site until such time as the calf-rearing building hereby permitted has been fully erected and stocked, thereafter the mobile home shall be limited for a period only expiring on 31 December 2016, on or before which date the mobile home shall be removed and the site reinstated to its former condition to the written satisfaction of the local planning authority.

Reason: In order that the circumstances can be reviewed in accordance with Policies HG15 and ST6 of the South Somerset Local Plan.

03. The occupation of the mobile home shall be limited to a person solely or mainly working at the calf-rearing enterprise hereby approved and to any resident dependents.

Reason: The Local Planning Authority would not have been prepared to grant permission but for the mobile home being essential for the proper functioning of the enterprise in accordance with Policy HG15 of the South Somerset Local Plan and Paragraph 55 of the NPPF.

04. The development hereby permitted shall be carried out in accordance with the following approved plans location plan received 19/11/2012, drawings numbered 6283-01, 6283-02 and 6283-03 received 15/11/2012 and drawing number 6251-05 received 02/11/2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

05. The development hereby permitted shall not be commenced unless particulars of the colour and finish of the external roof materials for the calf-rearing building have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the rural character of the locality in accordance with Policies ST6 and EC3 of the South Somerset Local Plan.

06. Within three months of the completion of the calf-rearing unit hereby approved the access track shall be completed and surfaced in accordance with the specifications set out on drawing number 6283-02 and shall be maintained as such at all times thereafter.

Reason: To safeguard the rural character of the locality in accordance with Policies ST6 and EC3 of the South Somerset Local Plan.

07. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the landscaping scheme, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To safeguard the rural character of the locality in accordance with Policies ST6 and EC3 of the South Somerset Local Plan.

08. The development hereby permitted shall not be commenced unless, foul and surface water drainage details to serve the development and to prevent the discharge of surface water onto the highway, have been submitted to and approved in writing by the local planning authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use and shall thereafter be permanently retained and maintained.

Reason: In the interest of environmental health and to ensure the site is adequately drained in accordance with Policy EU4 of the South Somerset Local Plan.

09. At the proposed access there shall be no obstruction to visibility greater than 900mm above adjoining road level within the visibility splays shown on the submitted plan, drawing no. 6283-02. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interest of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan and Policy ST5 of the South Somerset Local Plan.

10. The development hereby permitted shall not be commenced unless the access has been properly consolidated and surfaced in accordance with the details set out on drawing number 6283-02, unless otherwise agreed in writing by the local planning authority. The agreed details shall be fully implemented and shall thereafter be maintained at all times.

Reason: In the interest of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan and Policy ST5 of the South Somerset Local Plan.

11. Any entrance gates shall be set back a minimum distance of 10m from the adjoining carriageway and hung to open inwards.

Reason: In the interest of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan and Policy ST5 of the South Somerset Local Plan.

12. The gradient of the access shall not be steeper than 1 in 10.

Reason: In the interest of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan and Policy ST5 of the South Somerset Local Plan.

Informatives

01. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the alteration of access will require a Section 184 Permit. This must be obtained from the Highway Service Manager at the Yeovil Depot, tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
 02. Where works are to be undertaken on or adjoining the publicly maintainable highway (in respect of the creation of and subsequent maintenance of visibility splays) a licence under section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by contacting the Highway Service Manager, Yeovil Area Office, 0845 3459155. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.
-