

Application No: 2007/114	Application Type: Outline Application with all Subsequent Matters Reserved
Proposal: Erection of Dwelling for Agricultural Worker	Location: Land Off Michael Wife Lane/Gincroft Lane Edenfield
Report of: Development Control Planning Assistant	Status: For Publication
Report to: Development Control Committee	Date: 22 nd May 2007
Applicant: Mr S Preston	Determination Expiry Date: 16/04/2007
Agent: Hartley Planning & Development Associates	

REASON FOR REPORTING

Outside Officer Scheme of Delegation	No
Member Call-In	Yes
Name of Member:	
Reason for Call-In:	
More than 3 objections received	No

Other (please state)

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. APPLICATION DETAILS

1.1 The Site and the Proposal

1.2 The application site is currently an open field, possibly pasture land located to the east of a narrow access road, bounded by trees leading to a United Utilities

treatment works and a residential dwelling to the north of Michael Wife Lane, Edenfield. Managed woodland is located to the south and west of the proposal site and open farmland is located to the east. There is a public footpath running adjacent to the site running in north easterly direction continuing on the opposite side of the road. The land slopes to the south and east.

- 1.3 The site is located within the Countryside Area as designated in the Rossendale District Local Plan.

2. Relevant Planning History

- 2.1 No previous applications on this parcel of land.

3. Proposal

- 3.1 This is an outline application with all matters reserved for subsequent approval. The applicant seeks consent for the erection of agricultural workers dwelling located to the east of the access road leading to the United Utilities water treatment works and to the north of the public footpath that crosses the aforementioned road. Two car parking spaces would be provided for the dwelling house.
- 3.2 Additional information was requested as to the layout, scale, height, width, and length of the dwelling as well as indicative access points the agent presented information to the council stating the upper and lower limits of the dwelling. It was also requested that the applicant provide a justification of the design and access principles that would be used to develop future details of the scheme, and further details to demonstrate that the proposed location would be the most appropriate site for the dwelling. Following a conversation with Nick Bower of the County Land Agency on 09/03/2007 it was requested to see three years of accounts, and what all the existing dwellings on the site are associated with. It was considered important to gain further information on the proposal, although only an outline application, due to the sensitive nature of the application and the potential impact it could have on the countryside.
- 3.3 Of the information requested that was received, confirmation was given that the dwelling would be two storeys in height and would have a maximum volume of 210m³ and a minimum volume of 120m³. Materials used would be coursed natural stone with a blue slate roof with stone walling or hedging to the garden boundaries. The dwelling would be set back some 5m from the road. The information regarding a justification of the design and access principles that would be used to develop future details of the scheme, and what all the existing dwellings on the site are associated with was not received. Additional information was received regarding the proposal location, however, this was substantially the same as already included in the initial application.

4. Policy Context

Rossendale District Local Plan

Policy DS.1 (Urban Boundary)
Policy DC.1 (Development Criteria)
Policy DC.4 (Materials)

5. INTERNAL CONSULTATIONS

The comments of forward planning are contained within this report.

6. EXTERNAL CONSULTATIONS

The response to the application from the County Land Agency is that the application fails to satisfy the functional test of PPS7. The points raised were that the main enterprise on the unit is the breeding and rearing of sheep, and as such most observation is required during lambing time, a period concentrated within a short space of time annually.

It is also highlighted that the owner of the farm, Mr Nuttall, has an interest in other properties within Edenfield. There are therefore other dwellings associated with the unit that could possibly be used to accommodate an agricultural worker without the need to create a dwelling.

One of the main parts of the functional test is the financial stability of the farm and the accounts provided do not accurately reflect the scale of the agricultural enterprise. Within these accounts, however, it does show that the business made a loss in 2006. It is considered that these findings by the County Land Agency, along with the sensitivity of creating a dwelling within the countryside, further demonstrate that there is a need for further information to be supplied before an accurate decision can be made upon the proposal.

LCC Highways Cannot see that one additional property for a specific purpose would seriously affect the current traffic situation.

Edenfield Residents
Association No comments received

7. REPRESENTATIONS

7.1 2 neighbours were notified by way of a letter on 19/02/2007. Site notices posted 08/03/2007. No responses received.

8. REPORT

8.1 The main considerations of the application are whether in this case the creation of an agricultural workers dwelling can be justified within a Countryside Area, the principle of the development in terms of sustainability within a rural area, and the impact of the proposal on visual and residential amenity, and highway safety.

8.2 Paragraph 10 of PPS7 makes it clear that isolated new houses in the countryside require special justification for planning permission to be granted. The Annex to PPS7 provides:-

- 1) Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be a convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.
- 2) It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.
- 3) New permanent dwellings should only be allowed to support existing agricultural activity's on well-established agricultural units, providing:
 - i) there is a clearly established *existing* functional need (see paragraph 4 below)
 - 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 (see paragraph 8 below):
 - iv) the functional need could not be fulfilled by another existing dwelling 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.
4. A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night.
 - i) in case animals or agricultural processes require essential care at short notice
 - ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.
 5. In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example dwellings or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.
 6. The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling although it will not be itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.
 7. If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.
 8. New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A *financial* test is necessary for this purpose and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (see paragraph 3(iii) above), authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.
 9. Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.

Although the creation of a dwelling can be justified when it is required for a fulltime worker to live on site “it will often be as convenient and more sustainable for such workers to live in nearby towns and villages, so avoiding new and potentially intrusive development within the countryside.”

- 8.3 Information has been provided to comply with certain aspects of PPS7, including three years of accounts for the farm and a woodland maintenance plan for the next ten years. The County Land Agency has commented on the financial accounts provided as part of this application, and highlights that the business made a loss in 2006, and the information provided may not accurately reflect the size of the unit. The farm to which the application relates is located approximately 900 metres from the centre of Edenfield. Due to the size of the farm covering approximately 336 acres it is not considered that the creation of a new dwelling can be justified if there are dwellings available within, or in close proximity to, the centre of Edenfield where the agricultural worker could reside. The applicant has failed to demonstrate that there are no dwellinghouses in this area that could be used to accommodate an agricultural worker.
- 8.4 The approval for two new barns on Packhorse Farm were granted under applications 2005/159 and 2006/221 for lambing, storage of hay, and machines such as tractors, balers, and mowing equipment. It is considered that these buildings would significantly decrease the need for a worker to be on site to protect the farm. A requirement of a functional test as suggested in PPS7 would be for the need for the worker to deal quickly with emergencies that could otherwise cause serious loss of crops or products. As stated earlier the previous permissions for two new barns significantly decreases the need for somebody to be on site for protection of equipment, and the size of the farm coupled with the nearby location of Edenfield itself is considered that there is not a requirement for a new dwelling to be created.
- 8.5 PPS7 makes it clear that agricultural dwellings should be sited so as to be well related to existing farm buildings, or other dwellings. It is considered that the siting of the proposal is not well related to the existing farm buildings. Within the Design & Access Statement it is stated that the two new barns have been constructed under the policy that the activities of the farm were to be located away from suburban dwellings, highlighting potential conflicts with a nearby school in Edenfield. Whilst the potential residential amenity issues with the construction of 2 new barns close to the village envelope is acknowledged it is not considered that this can be the case for an existing dwelling. As such, if a dwelling, or a site for a dwelling can be found within Edenfield for the agricultural worker to reside in, this would not detract from amenity of nearby residents.
- 8.6 The scheme is therefore considered unacceptable in terms of the principle of creating an agricultural workers dwelling in the Countryside. The applicant has failed to provide evidence to meet the test of PPS7.
- 8.7 Policy C.4 of the Rossendale District Local Plan aims to protect agricultural land wherever possible from development. "When available, poorer agricultural, urban or reclaimed land will first be used." The applicant has failed to demonstrate that the area of land proposed is of a poorer type than other areas within the farm.
- 8.8 The application initially failed to demonstrate any evidence of the 3 dimensional envelope of the dwelling house to be constructed, nor did it provide a description of the indicative access points, or the size of the curtilage to be

provided for the dwelling. Further information was requested and obtained, however, it is considered that the applicant has still failed to provide a sufficient amount of information to assess the impact of a dwelling in this sensitive location within the countryside. The proposed location for the dwelling, being adjacent to a public footpath which would separate the proposal from an area of managed woodland is considered to be in an exposed area that can be readily seen from a distance. It is considered therefore, the dwelling would be detrimental to the visual amenity of the area. The proposed materials are considered appropriate for the area, however, the scheme is considered unacceptable in terms of visual amenity.

8.9 The only neighbouring dwelling is the detached bungalow located to the north of the proposal site in close proximity to the water treatment works. The creation of the dwelling, therefore, would not incur a negative impact on light, privacy, or outlook from the neighbouring property. The scheme is considered acceptable in terms of residential amenity.

8.10 The Highways Department have stated that the addition of a single property would not seriously affect the current traffic situation. The proposed access of the dwelling house located directly adjacent to a public footpath is considered to be in a potentially sensitive location in relation to highway safety. It is considered important to have a greater amount of information with regard to the exact siting and positioning of the dwelling before the proposal can be adequately assessed in terms of highway safety.

9 CONCLUSION

9.1 It is considered that there is currently insufficient information to adequately assess the application.

10. RECOMMENDATION(S)

10.1 That the committee be minded to refuse the application on the basis of a lack of information to adequately assess the need for an agricultural dwelling.

11. REASONS FOR REFUSAL

11.1 The proposed development would constitute inappropriate development in the countryside by reason of the failure of the applicant to adequately demonstrate that there is a need for an agricultural workers dwelling for this farm in this location. The application therefore conflicts the Council's Interim Housing Policy and the criteria of PPS7 Sustainable Development in Rural Areas, PPG 13 Transport, and Policy C.1 (Countryside Areas), Policy C.4 (Agricultural Land), Policy DC.1 (Development Criteria), Policy DC.4 (Materials) of the adopted Rossendale District Local Plan.

11.2 The proposed development, by reason of its location away from existing settlements in the Countryside, is not considered to be in a sustainable location. The proposal would, therefore, be contrary to PPS7 – Sustainability.

11.3 There is insufficient information regarding access and layout to properly assess the impact of the dwelling on visual amenity and highway safety. The application therefore conflicts with the criteria of PPS 7 Sustainable Development in Rural Areas, PPG 13 Transport, Policy C.1 (Countryside Areas), Policy C.4 (Agricultural Land), Policy DC.1 (Development Criteria), and Policy DC.4 (Materials) of the adopted Rossendale District Local Plan.

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