

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2011/0488/DM
FULL APPLICATION DESCRIPTION:	New farm workers cottage
NAME OF APPLICANT:	Mr and Mrs R Gilson
ADDRESS:	Old Park Hall Farm, Byers Green, Spennymoor, Co Durham, DL16 7PZ
ELECTORAL DIVISION:	Spennymoor and Middlestone Moor
CASE OFFICER:	Mark O'Sullivan, Planning Officer 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site comprises undeveloped agricultural land located to the east of the main unclassified highway serving the Byers Green settlement (some 600m to the south of the settlement limits by road). The application site is surrounded in all directions by open countryside with a recently erected agricultural barn having been sited on land to the immediate east of the application site. The main farm house and farm buildings serving this farmland are located approximately 950m to the east of the application site by road.

The proposal

2. Planning permission is sought for the erection of a 3-bedroom detached dwelling house, utilising an existing access junction which was constructed as part of previous works for the adjacent barn. This proposed dwelling house would occupy an L-shaped footprint being of random rubble stone construction with welsh slate tile roof and timber fenestration.
3. This is a resubmitted application following a recent refusal in June 2011 for a new farm workers cottage on this site. The application was refused for reasons relating to the lack of adequate justification in terms of any identified functional need, and that the scale and prominent location of the proposed dwelling would constitute a visually intrusive feature in the countryside.
4. This application has been referred to Planning Committee by Councillor Thompson, Elected Ward member for Spennymoor and Middlestone Moor who considers the proposals to represent a legitimate request for an additional dwelling house in the open countryside in the context of Planning Policy Statement 7 (Sustainable development in rural areas). Councillor Thompson has requested to speak in favour of this application, citing in particular the shortage of agricultural cottages in the area.

PLANNING HISTORY

5. In November 2009 the Local Planning Authority determined that prior approval was not required for the erection of an agricultural building on this site (7/2009/0347/DM). This was shortly followed in December 2009 by permission for the creation of a new vehicular access and hardstand area accessing this site from the adjacent highway (7/2009/0342/DM). In June 2011, planning permission was refused for the erection of a farm workers cottage on this land adjacent to the aforementioned agricultural building (7/2011/0133/DM).

PLANNING POLICY

NATIONAL POLICY

6. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* sets out the overarching planning policies on the delivery of sustainable development through the planning system.
7. *Planning Policy Statement 3 (PPS3): Housing* sets out the delivery of the Government's national housing objectives. Housing should be of a high quality, offer variety and choice, be affordable and make use of previously developed land in sustainable locations, whilst being related to existing facilities and infrastructure.
8. *Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas* sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
9. The draft National Planning Policy Framework sets out a presumption in favour of sustainable development to encourage economic growth and to achieve sustainable development.

REGIONAL PLANNING POLICY

10. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. In July 2010, however, the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention.
11. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The following policies are considered relevant:
12. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
13. *Policy 4 (The sequential approach to development)* requires a sequential approach to the identification of land for development.

14. *Policy 7 (Connectivity and accessibility)* planning proposals should seek to improve and enhance the sustainable internal and external connectivity and accessibility of the North East.
15. *Policy 24 (Delivering sustainable communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.

LOCAL PLAN POLICY:

16. *D1 (General principles for the layout and design of new developments)* requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
17. *D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
18. *E1 (Maintenance of landscape character)* seeks to encourage the maintenance of distinctive landscape areas by requiring that landscape features, such as hedgerows, woods, streams and buildings, fit into the landscape.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:
<http://www2.sedgefield.gov.uk/planning/SBCindex.htm>*

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. *Spennymoor Town Council* has no objections to the proposal.
20. *The Highway Authority* raises no objections to this proposal on highway grounds.
21. *Northumbrian Water Ltd* has no objections to the proposal.

INTERNAL CONSULTEE RESPONSES:

22. *Planning Policy Section* raises objections to the proposal, citing previous objections relating to the earlier application. They consider that the applicant has not provided convincing evidence of need for an additional dwelling for this farmstead, as opposed to a personal preference for an additional worker to live on the site. The erection of an additional isolated dwelling in this location is contrary to national and development plan policies with officers unconvinced that it will be essential for the proper functioning of the enterprise for an additional worker to be permanently based on site. This proposal for a permanent dwelling conflicts with PPS7, with suitable and available alternatives within Byers Green which could be used. An additional issue is that all 'at risk' animals could be located at the existing farmstead which has an existing dwelling within sight and sound. This would negate the need for a further dwelling in the location proposed.
23. *Environmental Health* has no objections to this proposal.
24. *Design and Historic Environment Section* has no objections to the proposal, subject to conditions relating to the prior approval of external materials, window and door details and landscaping details if approved.

25. *Landscape Section* considers that the omission of a landscaping scheme to accompany the application is unfortunate, particularly as the issue has been identified during earlier applications at the site. The County Durham Landscape Spatial Strategy identifies the site as a location to be 'conserved and enhanced' and as a result, lies within a landscape conservation priority area. The site is prominently located with a number of public receptors in the vicinity including public rights of way. As such, a detailed landscaping scheme would be required to assist in mitigating the impacts of the proposed dwelling on the landscape, particularly in view of its cumulative effect when considered with the adjacent agricultural building.

26. *Public Rights of Way* have no objections to this proposal.

27. *Ecology Section* has no objections to the proposal.

PUBLIC RESPONSES:

28. The application has been advertised by means of site notice and by neighbour notification letters. No formal letters of objection have been received in response to this exercise although one email was received from a local residents confirming that they will be preparing a detailed objection to be forwarded in due course. At the time of preparing this report, no further correspondence has been received.

APPLICANTS STATEMENT:

29. The applicant has submitted a thorough statement in support of this application alongside details of daily and seasonal farming activities. The following points are also included. This is a revised statement which was amended following the previous refusal of an application for an agricultural workers dwelling on this site:

30. The farm is approximately 231Ha (571acres) and is farmed by Mr and Mrs R Gilson and their son Richard. Currently all three occupy the farmhouse of Old Park Farm.

31. None of the land obtained since the Gilson's first occupied this farm in 1962 came with additional housing, having all been previously sold off or remained occupied.

32. The existing house is a Grade II Listed building and as such cannot be altered in any way. There are no other buildings suitable for alteration – even if the church would allow it and even they are listed.

33. The farm is mixed use, part arable, and part livestock, with an average of 200 cattle and 350 lambs and ewes.

34. Recently a new farm building for vehicle/feed and stock accommodation has been constructed remotely from the farm house.

35. The reasons for siting a dwelling here are numerous. However the most important is the welfare of the animals that are housed there. For reasons of welfare, animal husbandry, management, economics and environmental and sustainability issues, it is a necessity to accommodate more than one agricultural worker full time on the farm.

36. The presence of a property would deter thieves.

37. The additional on-site dwelling would comply with the requirements of paragraph 27 of PPS7 relating to new development in the countryside and Annex A, Para 3 of PPS7. The farm is currently operating with 2 men full time which is below the industry standard for stock care alone and substantially below the calculation for staffing the whole operation.
38. Design endeavors to replicate a traditional farm grouping common to this area. Visibility on the public highway is in excess of DCC Highway requirement. No additional works are required.
39. The scheme is sustainable and the proposal should take account of the Draft National Planning Policy Framework which supports sustainable development
40. The proposal we believe, satisfies all planning criteria, will consolidate the existing farm business, maintain current employment levels and create additional job opportunities.
41. In addition, a number of letters of support have been received from the following sources comprising NFU, SW Durham Group, Dunelm Veterinary Group, Lloyd Ltd., Byers Green Primary School, Masstock Arable (UK) Ltd, Gooseberry Farm, Stockton on Tees, S&A Fabrications, JG Paxtons and sons Ltd, and Addison & Co Chartered Accountants.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file.

PLANNING CONSIDERATIONS AND ASSESSMENT

42. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 relevant guidance, development plan policies and all material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development and the perceived impact on the character of the rural landscape.

The principle of the development

43. The application site is located outside of the settlement limits for Byers Green, in a predominantly rural location. The proposed development would represent additional sporadic development within the open countryside, where there is normally a strong presumption against this form of development in well-established national planning policy.
44. Planning Policy Statement 7 (PPS7) highlights the key tests for which such rural development may be considered acceptable. Paragraph 10 makes clear that new permanent dwellings within the open countryside will require special justification for permission to be granted, such as if the proposed dwelling is required to enable agricultural, forestry and other certain full time workers to live at, or in the immediate vicinity of their place of work. However it will often be as 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.
45. 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.

46. Applications should be scrutinised thoroughly to demonstrate that the enterprise is genuine, financially viable (and capable of being sustained for a reasonable period of time) and there is a clearly established functional need for the dwelling. For the Local Planning Authority to accept that there is a clear justification for a new dwelling (whether on a temporary or permanent basis), any application should robustly demonstrate that the functional and financial tests set out in Annex A of PPS7 have been satisfied.
47. In determining this application the Planning Policy Section has raised objections over the absence of any convincing evidence of need for a new permanent dwelling on site, as opposed to a personal preference for a worker to live on the site. The following functional and financial tests as outlined within Annex A of PPS7 have been carefully applied in determining this application, where it is stated how 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*
48. The applicant claims a functional need for this development in providing on-site presence at all times of day and night for animal welfare, husbandry, management, economics, environmental and sustainability issues and security purposes. Detailed information has been provided by the applicant outlining daily and seasonal farm activities in an attempt to justify the functional need for permanent on-site presence on this particular site adjacent to the recently constructed agricultural building, with a perceived need to supervise the contents of the building at all times.
49. Work on the farm is carried out across the year and throughout the day. During lambing and calving periods, work extends into the night. The applicant argues significant financial losses to result from poor care of the stock.
50. Whilst undoubtedly this business represents a labour intensive enterprise, there is little to suggest that the future success of this enterprise is entirely reliant upon securing permission for an additional dwelling house on this particular site. Concerns are raised over whether an additional dwelling in this location is fundamental to the operations of the business, and secondly whether it is necessary for an additional dwelling in this location.
51. Whilst financial implications resulting from poor care of stock should not be dismissed, it would be incorrect to assume that the refusal of an application for an additional farm workers dwelling will automatically result in the decline of this farming enterprise which has operated successfully from this site for many years prior to the applicant constructing a large agricultural building away from the main farm house. The applicant's choice to construct this storage building away from the main farm under their agricultural permitted development rights should not now be used as justification to construct a new dwelling immediately adjacent, with it argued that this should have been built closer to the main farm house in the first place in order to offer supervision. Furthermore, whilst it is argued that the perceived need to supervise livestock within this building dictates the requirement for permanent on site presence, it is considered that cows which are calving and sheep which are lambing could be housed in existing farm buildings adjacent to the existing farmhouse thereby ensuring that the livestock which are most at risk and in need of supervision can be adequately supervised being within sight and sound. This would therefore negate any resulting financial detriment.

52. In terms of the need for on site security, and stock protection, PPS7, Annex A specifically explains how 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 by itself be sufficient to justify one. The applicant has submitted supporting information outlining the problems of rural crime, with a letter of support received from the NFU. However, no specific evidence of crime figures or activity relating to this site has been supplied with this application; with it questioned whether more straight forward CCTV and surveillance technologies installed on the site would provide a far more acceptable deterrent to criminal activity rather than justifying a new build dwelling house.

53. Finally, any claims that an additional dwelling is required in this location for economic, environmental and sustainability issues are also questionable given the close proximity of the nearby farmhouse and farm buildings which could just as easily be used for stock needing additional care.

54. The applicant has also submitted correspondence received from a local veterinary group, village school and other enterprises all in support of this proposal. However, the points raised by these individuals do little to address the pertinent issues - that being the insufficient justification of functional need for an additional dwelling in this rural location. As explained in paragraph 44, the need for additional accommodation should depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved. In light of the aforementioned considerations, it is considered that the justification submitted by the applicant in support of this application points more towards development to suit the personal preference of the applicant rather than the needs of the enterprise.

(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;

55. Officers remain unconvinced that it is essential for the proper functioning of the enterprise for an additional full-time worker to be permanently based on this site. Whilst it is agreed that the daily and seasonal activities described by the applicant do require a significant amount of man hours, there is little evidence to suggest that the necessary work needs to be carried out by full time employees instead of part-time equivalents who can just as easily reside in close proximity to the site.

56. Likewise, although there is no doubt that an additional employee working this farm would be preferable to the applicant; it would still remain possible to run a successful business on this site without the need to live on site. Most of the problems which might be likely to arise, as well as routine care, could be dealt with by the residents of the existing dwelling which is tied to the business, or a non-resident worker.

(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

57. Financial information submitted in support of this application provides a detailed breakdown of income and expenditure on a monthly basis between April 2010 and projected figures to January 2013. Sufficient information has been provided demonstrating this business to be financially sound and profitable, with a clear prospect of remaining so.

58. Paragraphs 9-10 of Annex A to PPS7 emphasise the need for agricultural dwellings to be of a size commensurate with the established functional requirement and to avoid extensions that would result in a dwelling beyond the size justified by the functional requirement. It is widely accepted that it is reasonable to expect a significant degree of linkage between finances and the build costs of the dwelling. In essence the enterprise must be economically viable so that the business could afford the costs of constructing a small dwelling of a size which the unit could sustain. In this case, it is considered that on the basis of the submitted information, the enterprise could sustain the proposed dwelling. However, despite the applicant having sought to address the financial requirements of this proposal, the key area of concern remains with the functional requirement.

(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

59. Although the applicant describes in great detail in supporting information the complexities of farming cattle and the need for flexibility and on-site presence, there is nothing to suggest that those animals deemed 'at risk' and in need of greater attention cannot be housed closer to the main farm buildings

60. Whilst it is considered that there is no fully justified and identified functional need for an additional dwelling to serve the enterprise, it is considered, in any event, that given the proximity of nearby settlements, there are a number of properties which are both suitable and available and which could just as easily provide a place of residence in close proximity to the application site.

61. A basic property search carried out on 4 January 2012 of nearby properties for rent and sale within an approximate 5 minute drive of the site revealed 184 properties for sale (based on a maximum £150,000 valuation and for a two bed property) and 54 properties to rent (based upon a minimum 2-bed property). Results of this search are held on the planning case file and clearly demonstrate a large number of these houses to fall within a far more affordable price range including at least 51no. properties between £29,950 and £70,000 to purchase and at least 32no. properties to rent at a rate of less than £400pcm.

62. A similar search was conducted as part of the previous application for this site, where it was similarly demonstrated that there were suitable and available dwellings to both rent and buy within the existing local market to more than accommodate the applicants desire for additional accommodation, and without placing onerous demands on the applicant to travel too far to the site. It is there questioned whether the detail submitted provides any firm justification for a need for a new build dwelling on this site, or rather presents a case for a worker to live close by for convenience.

(v) Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied

63. There would be no significant adverse affect upon residential amenity given the isolated nature of the site, and there would be no detriment to highway safety.

Impact on the character of the rural landscape

64. PPS7 explains how new development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled, and that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced.
65. Local Plan Policy E1 seeks to encourage the maintenance of distinctive landscape areas by requiring, in this location (River Wear Valley Shelf), that landscape features such as hedgerows form part of schemes and that the area can be enhanced by new hedgerows and tree planting. In addition, the application site lies within an area to be 'conserved and enhanced' as identified in the County Durham Landscape Spatial Strategy and as a result, lies within a landscape conservation priority area.
66. The proposed development would occupy a prominent location on the main approach road (Church Street) to Byers Green, and would be visible from a number of public receptors in close proximity. Such receptors include Church Street itself, which is also designated Cycle Route 3b, the Auckland Way railway walk to the east of the site, and two Public Rights of Way (22 and 23) between Long Lane and Church Street to the west.
67. The proposed dwelling would be read against the existing adjacent agricultural barn, being of random rubble stone construction with a Welsh slate tile roof. As such, and notwithstanding the principle of development, no objections are raised from the Design and Historic Environment Section regarding the scale or design of the proposed dwelling house, which is considered to respect its rural setting.
68. However, the Landscape Section considers that the omission of a landscaping scheme to accompany the application is unfortunate, particularly as the issue has been identified during earlier applications at the site. A landscaping scheme would assist in mitigating the impact of the proposed development within the open countryside. However, and notwithstanding the earlier conclusion regarding the principle of a new dwelling in this location, a landscaping scheme to meet the objectives of Policy E1, including supplementing existing hedgerows together with new tree and hedgerow planting, could be undertaken to assist in mitigating the visual impact of the proposed dwelling, and the adjacent agricultural barn against which the proposed dwelling would be seen, in views into the site.

CONCLUSION

69. In conclusion, this application has been considered carefully in terms of the requirements of national and regional planning policies, as well as adopted Sedgfield Borough Local Plan Policies. The proposal is considered to conflict with PPS7 insofar as it fails to satisfactorily address the necessary functional test, with the applicant having failed to satisfactorily demonstrate any required justified functional need for an additional dwelling in this location. Given the nature of the enterprise, existing accommodation, and the proximity of suitable and available properties in close proximity to this site, there is little justification or functional need for an additional dwelling which would otherwise encroach into the open countryside.

RECOMMENDATION

That the application be **REFUSED** for the following reason:

In the opinion of the Local Planning Authority, the proposal constitutes new residential accommodation in open countryside without adequate justification in terms of any identified functional need, and where there is existing accommodation that is both suitable and available within close proximity of the application site. Consequently, it is considered that the proposal is contrary to Planning Policy Statement 7 (*Sustainable Development in Rural Areas*).

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Planning Policy Statements 1, 3 and 7
- Draft National Planning Policy Framework
- Regional Spatial Strategy
- Sedgefield Borough Local Plan 1996
- Consultation responses from Spennymoor Town Council, Highway Authority, Northumbrian Water Ltd, Planning Policy Section, Environmental Health Section, Design and Historic Environment Section, Public Rights of Way, and Ecology Section



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Planning Services

New Farm Workers Cottage at Old Park Hall Farm, Byers Green, Spennymoor, Co Durham

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Comments

Date 19 January 2012

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