

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2010/0410/DM
FULL APPLICATION DESCRIPTION:	Erection of agricultural worker's bungalow
NAME OF APPLICANT:	Mr David Lee
SITE ADDRESS:	Hilton Moor Lane, Evenwood Gate
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Steve Teasdale, Planning Officer 03000 260834/ 261055 steve.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site lies to the west of Hilton Moor Lane, Evenwood Gate, and forms part of several parcels of agricultural land with a combined area of approximately 11.9 hectares. This land is farmed as part of a larger farmstead of approximately 113 hectares based at Carr House Farm, Staindrop, some 3.5km to the south west.

Proposals

2. It is proposed to erect a three bedroomed agricultural worker's bungalow adjacent to an existing agricultural building. The bungalow would be approximately 13 metres long, and have an 'L' shaped footprint with a maximum depth of about 10 metres. It would be constructed of natural stone with slate covered pitched roofs and stone water tabling, with a ridge height of about 5.5 metres. A small single garage would be constructed to the northern gable. The bungalow would be accessed from Hilton Moor Lane from an existing access serving the existing fields.
3. The application is accompanied by documents to explain the relationship between these isolated parcels of land and the main farmstead at Staindrop, detailed business accounts, and evidence of security issues and previous thefts from the site.
4. This application is referred to committee at the request of the Elected Ward Member, Councillor Charlton. The request has been made on the grounds that the applicant has suffered from crime due to not having a permanent presence on the site.

PLANNING HISTORY

5. In 2000, outline planning permission (6/2000/0002/DM) for the erection of a bungalow was refused on the grounds that there was insufficient justification for a new dwelling in the countryside (policies 4 and 14 of the Durham County Structure Plan), the dwelling would adversely and unnecessarily affect an area of high landscape value (policy 64/64a of the Structure Plan), and there was insufficient foul drainage details (policy GD1 of the draft Teesdale District Local Plan. Planning permission was granted in 2002 (6/2002/0298/DM) for the change of use of the existing barn to winter storage of caravans.

PLANNING POLICY

NATIONAL POLICY

6. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
7. *Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas* sets out sustainable development as the key principle underpinning rural land use planning, setting out criteria for development and conversion of buildings in the countryside and appropriate land uses. In particular, Annex A sets out the detailed tests against which applications for isolated new dwelling should be assessed. Elements of this advice have been revoked and replaced by alternate guidance in PPS4.
8. *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

9. *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.
10. 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:
11. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.

12. *Policy 4 (The sequential approach to development)* requires a sequential approach to the identification of land for development.
13. *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.
14. *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:

15. *Policy H6 New housing in the open countryside* presumes against new housing development in the countryside unless it can be shown to be essential in any particular location to the needs of agriculture or forestry
16. *Policy ENV1 Protection of the countryside* seeks to protect the countryside from developments other than those where there is a demonstrable need and where such developments comply with other policies of the local plan
17. *Policy ENV3 Development within or adjacent to and area of high landscape value* does not permit developments which would detract from the area's special character and emphasises the need for buildings to be sited, designed and landscaped so as to accord with Policy GD1
18. *Policy GD1 General Development Criteria* sets design criteria for all development proposals.

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://www.durham.gov.uk/Pages/Service.aspx?ServiceId=6619>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. *Northumbrian Water Limited* has no objections to the proposals.
20. *Highways Authority* were consulted but have not responded.

INTERNAL CONSULTEE RESPONSES:

21. *Landscape Section* has no objections, but comments made about protection and gapping up of hedges, new hedge planting, and surface treatment for the hardstanding.
22. *Planning Policy Section* is not convinced that there is a functional need for a new dwelling in this location, as required by PPS7.

PUBLIC RESPONSES:

23. The proposal was advertised via a site notice, and a letter sent to an adjoining landowner. There have been no public responses.

APPLICANTS STATEMENT:

24. The proposed bungalow is to be sited on land at Hilton Moor Lane, Hilton currently forming an agricultural holding of some 50 acres. A steel framed farm storage building occupies part of the site and is used in connection with farming of the land and this is to remain.
25. The proposed bungalow will provide a modest 3 bedroomed property of some 110sqm having an attached side garage. The external walls are to be of natural stone incorporating sawn stone heads and cills to the openings with the roof finished in natural slates. Doors and windows will be softwood with windows double glazed all to be set 75mm in reveal. Rainwater goods to be black plastic with guttering fixed on rise and fall brackets, no fascias.
26. The building of single storey will have a ridge line no more than 7m high. The existing hedging to the frontage will remain. The site already has good access provision the proposed dwelling would use this same access point with surface improvements undertaken.
27. As a result of my inspection of the property and the consideration of the functional need under PPS7 and based upon the facts presented to me, I am of the conclusion that the provision of a permanent dwelling is necessary at Carr House Farm in order to meet the functional need of a further full time worker.
28. The financial considerations provided within the Schedule as to the audited accounts indicate that the business has been profitable for all the last 4 years up to the 2006 year and able to sustain, as it does currently, 2 modest dwellings (one on the holding one away from the holding).
29. The farm business does not have any substantial borrowings and has the collateral to allow for the building of the dwelling which will be partially self built.
30. The proposed siting of the dwelling does not any way appear out of keeping with other similar units within the locality. The use of existing farm access and positioning close by existing agricultural buildings retain the settlement pattern for the area.
31. The proposed siting provides the best possible location on the holding taking into account all relevant factors to provide welfare and security for the holding and its livestock.
32. No other dwelling is considered suitable as to type or within reasonable sight and sound of the holding to meet the requirements for the management of land at Hilton Moor lane.
33. In conclusion it is my opinion that the most suitable option to meet the requirements for housing of the required farm workers is the proposed new

dwelling at Hilton Moor lane within field NZ1623 5927 as detailed within the application.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://teesdale.planning-register.co.uk/PlanAppDisp.asp?RecNum=19738>

PLANNING CONSIDERATIONS AND ASSESSMENT

34. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development; siting design and access; and, landscape impact.

Principle of development

35. Policy H6 of the Teesdale District Local Plan states that new housing development in the open countryside will not be permitted unless it can be shown to be essential in any particular location to the needs of agriculture or forestry, and where the need cannot reasonably be accommodated within an existing town or village. Policy ENV1 seeks to generally protect the countryside from unnecessary development, and similarly states that development related to agriculture would be one of a range of exceptions subject to conformity with other local plan policies.

36. National policy expressed in PPS7 sets out criteria for assessment of proposed rural developments. Paragraph 1 states that new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. It goes on to say that the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

37. Paragraph 10 specifically says that isolated new houses in the countryside will require special justification for planning permission to be granted. 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.

38. 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 tests set out in Annex A of PPS7 have been satisfied. These are:

(i) there is a clearly established *existing* functional need

(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

(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; and

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

39. 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 in case animals or agricultural processes require essential care at short notice, or 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. However, Annex A makes it clear that whilst the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, it will not by itself be sufficient to justify one.

(i) there is a clearly established existing functional need

40. The planning application, along with supporting documents which include financial accounts over a ten year period and letters of advice from Durham Constabulary on security matters, has been considered by the Planning Policy Section. It is noted that the application site and its associated 11.9 hectares is situated approximately 3.5km from Carr House Farm, where the main farming activities take place on 113 hectares of land. It is clear however that the agricultural enterprise is farmed on a partnership basis within the applicant's family, and that the bungalow would be occupied by the applicant, who has for many years lived at Evenwood Gate, only 1km from the application site. It is considered that welfare of livestock could reasonably be managed on this basis and satisfy Annex A of PPS7.

41. It is also noted that the main justification put forward for a permanent dwelling on the site relates to actual or anticipated criminal activity and the emphasis of the evidence supplied is towards this aspect of case. Five 'Victims of crime' incident sheets have been supplied, but they are not dated and do not give details of the actual incidents. A letter dated 23rd December 2009 from the Police Crime Prevention Officer is also supplied. Whilst a general observation is made to the effect that a dwelling on the site would be a deterrent to criminal activity, it is apparent that many other preventative measures should be taken to increase security. These include checking perimeter hedging regularly and repairing any damage immediately, installing 'W' section palisade fencing to the compound with regular checking and immediate repair of damage, hedge planting adjacent to the compound fence, installation of perimeter lighting, installation of intruder

alarm system, and identification marking to tools and equipment with records of serial numbers. Whilst there is a working floodlight on the building and existing palisade fencing which is damaged, much of the police advice has not apparently been acted upon.

42. As it stands, the agricultural building on the site appears unused, and there has been no evidence of livestock on the land during site visits over recent months. On this basis, the proposal leans heavily on security issues.

43. It can only be concluded at the present time and having regard to existing circumstances that there is no clear functional need for a permanent dwelling on the site because:

- There are no agricultural activities on the land that essentially require permanent on-site presence for welfare of livestock or prevention of damage to, or loss of crops
- Other crime prevention measures appear not to have been implemented despite the advice of the Crime Prevention Officer
- The applicant already lives very close to the site and whilst this does not provide direct surveillance it allows access in emergencies in a matter of a few minutes.

(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;

44. There is no dispute that the applicant farms in partnership with other members of his family, and it is not questioned that he is a full time agricultural worker for the purposes of Annex A.

(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.

45. PPS7 also requires a financial test to ensure that the existing agricultural enterprise is, and will remain viable. The financial accounts submitted relate to the whole enterprise, including the Carr House Farm land. On that basis, it is clear that the entire agricultural unit has been viable for at least 10 Years. It is a matter of some concern however that because Carr House Farm is leased from Raby Estates whilst the application site is owned outright, the relationship between the two could be broken at some point in the future, and it is much less likely that the limited amount of land on which the bungalow would be sited would be a viable agricultural unit in its own right.

(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;

46. Notwithstanding the above 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.

47. A basic property search carried out on 31st January 2012 of nearby properties for rent and sale within an approximate 5 minute drive of the site revealed 88 properties for sale (based on a price range of £70,000 to £130,000, based on the equivalent approximate build costs for the proposed bungalow) and 42 properties to rent (based upon a 3-bed property). Results of this search are held on the planning case file and clearly demonstrate a large number of these houses fall within a far more affordable price range including at least 70 for under £100,000 and at least 25 rental properties at rates of less than £400pcm.
48. For the above reasons, the proposal is considered to be contrary to Policies H6 and ENV1 of the Teesdale District Local Plan, and national policy expressed in PPS7.

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

Siting, Design and Access

49. The bungalow would be sited adjacent to Hilton Moor Lane, accessed by way of an existing gateway and a new hard standing, which would be constructed in front of the existing compound to the agricultural building. The proposed siting adjacent to the agricultural building is considered acceptable.
50. The proposed bungalow is described as being stone-built, with natural slate roof and detailing which includes stone water tables and stone heads and cills to windows and doors. Painted softwood windows and doors are also proposed.
51. There are no comments from the Highway Authority. It is considered however that the use of an existing access point and provision of turning space within the site would be unlikely to give rise to adverse highway safety conditions, particularly as the entrance gate is set back from the road, providing acceptable forward visibility.
52. The proposed siting, design and access are considered to accord with Policy GD1 of the Teesdale District Local Plan.

Landscape impact

53. The application site lies within an area of high landscape value where all proposals are required to conserve and enhance the character and quality of the landscape. Policy ENV3 of the Local Plan presumes against proposals that would be detrimental to designated areas of high landscape value, and the policy builds upon Policy ENV1 which aims to protect the countryside from unnecessary development. Whilst it cannot reasonably be argued that the proposal is contrary to Policy ENV3 in its own right, ENV1 as the foundation policy requires that other policies of the local plan are complied with in order to be acceptable. In this case the proposal is considered to be contrary to ENV1 because it is fundamentally contrary to Policy H6.

CONCLUSION

54. It is a fundamental aim of both national and local planning policy to strictly control new building developments away from existing settlements and allocated development sites. The motive for this is the widely recognised aim to protect the countryside for its own sake from unnecessary development.

55. Whilst PPS7 also recognises the important and varied roles of agriculture, and the need to support the industry in appropriate ways, it does require individual proposals for new agricultural workers' dwellings to fulfil both functional and financial tests to ensure that there is an essential requirement for a new dwelling in the countryside in every case.

56. The current proposal has been analysed from both the functional and financial aspects and is considered not to meet the requirements of PPS7, and is therefore contrary to Policies H6 and ENV1 of the Teesdale District Local Plan.

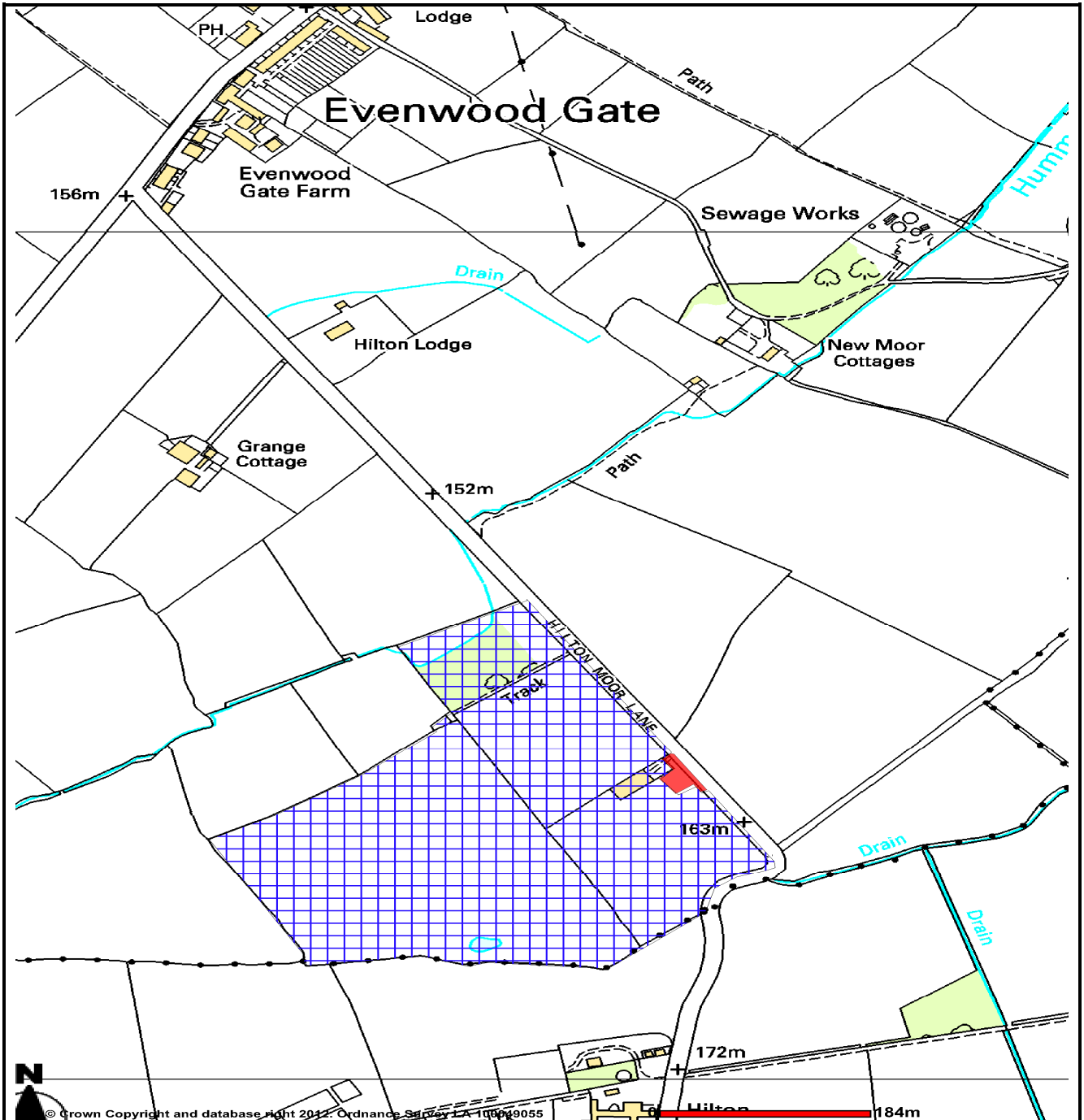
RECOMMENDATION

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

In the opinion of the Local Planning Authority the applicant has failed to demonstrate that there is an essential functional need for a full time agricultural worker to live permanently on the site and that the day to day welfare of animals and management of crops on the land immediately surrounding the site could be achieved from existing available accommodation nearby. The proposal is therefore considered to be contrary to the requirements of PPS7 and Policies H6 and ENV1 of the Teesdale District Local Plan 2002.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
Planning Policy Statements PPS1 and PPS7
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
Teesdale District Local Plan 2002
Consultation Responses



Planning Services

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Erection of agricultural worker's bungalow at Hilton Moor Lane, Evenwood Gate, County Durham (6/2010/0410/DM)

16 February 2012

Scale NTS