

Application No: 11/3933C  
Location: WHITETHORN, WATERY LANE, ASTBURY, CW12 4RR  
Proposal: Agricultural Dwelling  
Applicant: E Ward & Son  
Expiry Date: 22-Dec-2011

### **SUMMARY RECOMMENDATION**

#### **Impact of the development on:-**

- **The impact upon the openness of Green Belt**
- **Whether there is a functional and financial need for an agricultural workers dwelling**
- **Protected Species**
- **Highways implications**

#### **SUMMARY RECOMMENDATION:**

**REFUSE**

### **REASON FOR REFERRAL**

The application has been referred to Strategic Planning Board at the request of Cllr Rhoda Bailey for the following reason;

*‘These applications are difficult ones, dealing with issues about development in the countryside and whether an individual proposal is appropriate in particular circumstances. Detailed information will have to be provided to justify the application, which should be evaluated and dealt with by the planning committee’*

#### **1. DESCRIPTION OF SITE AND CONTEXT**

The application site is located on the eastern side of Watery Lane within the Green Belt as defined by the Congleton Borough Local Plan.

The application site is located opposite the farm complex at Whitethorn Farm. Whitethorn Farm includes a traditional farmhouse, an agricultural workers dwelling and a range of modern and traditional farm buildings.

The application site is currently used as an area of external storage and includes a hedgerow to the road frontage.

Whitethorn Farm includes two existing dwellings, the traditional farmhouse and an agricultural workers dwelling which was approved in 1984.

## **2. DETAILS OF PROPOSAL**

This is a full planning application for an agricultural workers dwelling to serve Whitethorn Farm. The farm totals 378.68 hectares with the land predominantly in arable cropping together with a beef rearing and fattening enterprise which is being built up to 225 head of beef stock.

According to the application, the land holding is made up of 155.9 hectares at Whitethorn Farm, 141.7 hectares at Lubstree Farm, Telford, 81 hectares of land in and around Congleton.

## **3. RELEVANT HISTORY**

11/1540C – Agricultural Workers Dwelling – Withdrawn 31<sup>st</sup> August 2011  
08/0106/FUL - Proposed conversion of redundant farm buildings into production area and offices  
27370/3 – Framed building for storage of fodder and general purpose implement store – Approved 21<sup>st</sup> July 1995  
22514/3 – Two agricultural buildings, slurry store and midden – Approved 11<sup>th</sup> September 1990  
15848/6 Renewal of permission 8894/1 for farm workers dwelling – Withdrawn 24<sup>th</sup> May 1984  
10866/2 – New farmworkers dwelling – Approved 1<sup>st</sup> April 1980  
8894/1 – New herdsman's house on site at rear of outbuildings – Approved 31<sup>st</sup> May 1979  
7309/3 – Steel framed agricultural building – Approved 11<sup>th</sup> July 1978

## **4. POLICIES**

### **Local Plan Policy**

H6 – Residential Development in the Open Countryside and Green Belt  
H18 – Dwellings Associated with Rural Enterprises  
NR1 – Trees and Woodlands  
NR3 – Habitats  
PS7 – Green Belt  
GR1 – New Development  
GR2 – Design  
GR6 – Amenity and Health  
GR9 – Accessibility, Servicing and Parking Provision

### **Other Material Considerations**

Planning Policy Statement 1 (Delivering Sustainable Development)  
Planning Policy Guidance 2 (Green Belts)  
Planning Policy Statement 7 (Rural Areas)  
Planning Policy Statement 9 (Biodiversity and Geological Conservation)

### **Other Considerations**

'Planning for Growth'

'Presumption in Favour of Economic Development'  
Draft National Planning Policy Framework  
The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

## **5. CONSULTATIONS (External to Planning)**

**Natural England:** This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. Refer to the Great Crested Newt Factsheet.

**Environmental Health:** No comments received at the time of writing this report

**Cheshire Wildlife Trust:** No comments received at the time of writing this report

## **6. VIEWS OF THE PARISH COUNCIL**

No comments received at the time of writing this report

## **7. OTHER REPRESENTATIONS:**

No representations received at the time of writing this report

## **8. APPLICANT'S SUPPORTING INFORMATION**

Planning, Design and Access Statement

Great Crested Newt Scoping Survey Report

Agricultural Appraisal

Accounts

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Principle of Development**

The principal issues surrounding the determination of this application are the impact of the proposed development upon surrounding residential amenity, highway issues, the impact upon the character and appearance of the surrounding countryside and the potential impact upon protected species. Furthermore, it must be assessed whether the functional and financial test outlined in PPS7 have been met with regard to the provision of a rural worker's dwelling on the site.

Policy PS7 (Green Belts) allows new dwellings in accordance with Policy H6. Policy H6 allows for new dwellings to be constructed in the Green Belt where the dwelling is required for a person engaged full time in agriculture.

### **Policy Requirements of Rural Workers Dwellings**

The advice contained in PPS7, specifically Annex 1, and H18 (Dwellings Associated with Rural Enterprises) are the relevant policy context against which to assess the proposed need for the agricultural dwelling. PPS7 states that new residential development may be justifiable in the open countryside on the basis that it would enable a full time rural worker to live at or in the immediate vicinity of their place of work. Agricultural workers will be expected to live in nearby defined settlements unless there is an **essential** need to have a worker readily available on site to secure the viability of the enterprise. Whether it is essential to have a worker available on site is based on the needs of the enterprise and not the preference of the individual. Permanent agricultural dwellings should satisfy the following criteria, listed below:

- There is a clearly established functional need.
- 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;
- 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,
- 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
- Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

#### There is a clearly established functional need

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 automated systems)

PPS7 also states that security will not be a sufficient reason alone to justify a dwelling.

The main arguments put forward in relation to the functional need are as follows:

- Potatoes are the specialist crop and before they leave the farm the potatoes need to be graded, sorted, washed and loaded. The sale of potatoes to specialist markets sometimes necessitates the washing and packing and loading of potatoes at night-time and an on-site presence is essential
- At Whitethorn Farm there is a chilled potato store for 500 tonnes of potatoes, which is used to store the main crop until January, after this time the chilled store is used to keep seed potatoes at an ambient temperature. The chilled store needs to be monitored several times a day to ensure that the fans are working at all times or in case there are any power cuts. In

such cases, the power supplies are immediately diverted to a stand up generator and any electrical fault repaired immediately. It is important that there is a 24 hour on-farm presence to respond to problems with this chiller

- At Whitethorn Farm there is an irrigation system in place to irrigate up to 60 acres of potatoes. It is necessary to check the irrigation system daily and to move the irrigation system from field to field
- The beef rearing and fattening enterprise is being built up to between 150-250 head of beef stock (no details have been given of the current stock levels). The age of the cattle will vary from brought in calves at 7 days to finished beef cattle at 15 months. The cattle require close attention at all times and adequate supervision is constantly needed. The calves are fed twice daily bedded with straw and after three weeks of age slowly introduced to hay and calf concentrates. Calves need to be inspected each day for any signs of illness. Post weaning at eight weeks to six months the calves will be housed in larger groups with rations increased until six months when they will be introduced to silage and home grown arable products. The cattle rearing enterprise requires an on-site presence at all times and from three months of age the cattle need to be inspected at least three times per day, including feeding, bedding, mucking out the cattle, weighing the stock on a fortnightly basis and selecting cattle for sale.

In this case there are already two dwellings at Whitethorn Farm and this application would provide a third dwelling.

The first point in relation to the functional need relates to the work associated with the production of potatoes at the site. This does not give an essential need for a dwelling on this site and a worker travelling to the site from a nearby settlement such as Congleton would be able to meet this need.

The second point relates to the failure of the onsite chiller and the loss of crops or seed potatoes. In this case, the chiller is subject to a backup generator and could be alarmed against failure. This could be linked to a mobile phone, which would enable a worker to travel from a nearby dwelling or settlement to deal with any emergencies. It should also be noted that there are two existing dwellings on this site which could deal with this sort of emergency. There is no essential need for a third dwelling relating to the failure of the chiller.

There is no essential need for a third dwelling to deal with the irrigation of the crops. This could be dealt with by a worker travelling to the site.

The applicant has stated that they intend to build up a beef rearing and fattening enterprise of between 150-250 cattle, although from the information provided it is not clear how many cattle are currently on site. These animals require checking for illness, feeding and management (mucking out etc). In this case there is no essential need relating to milking or to monitor during calving which would give greater weight to the functional need. The applicant has not identified what essential care is required day and night. The functional need identified within the supporting statement mainly relates to tasks which would be carried out during the day. In this case Whitethorn Farm includes two existing dwellings and it would be reasonable to expect that the occupants of these dwellings would be able to respond to any emergency relating to the cattle. It should be noted that the justification for the existing agricultural workers dwelling in 1984 makes reference to the functional requirement relating to a herd of 130 dairy cows, 75 replacements, 70 bull beef and 40 beef cattle. There is not considered to be a functional need for a third dwelling on this site.

The applicants concerns about security have been noted. However, Annex A to PPS7 states that *'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'*. In this case there are already two dwellings on the site and no evidence has been submitted to show that additional security measures such as alarms, CCTV, new gates etc have been implemented at the site which would address any security concerns. Given the weakness of the functional argument the security concerns raised do not give reasons to allow a new dwelling on the site.

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

The existing farmhouse is occupied by Mr John Ward and Mrs Barbara Ward. Their son David Ward occupies the existing agricultural workers dwelling on the site. The proposed dwelling would be occupied by the other son Mr Robert Ward. The applicant's agent has identified that the proposed dwelling will be occupied by Robert Ward who is a full time worker on the site. This test is considered to have been met. A condition could be attached to ensure that the occupant of the dwelling is a full time worker.

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

The test of financial soundness is central to the policy for agricultural workers dwellings.

The unit has been established for more than three years. The accounts submitted to the Council show substantial profitability over the last three years (2008, 2009 and 2010).

There is no definition of financial soundness or viability in planning guidance. However, normal economic assessments of any business would expect a financial performance which provided a reasonable return on the resources deployed in it, notably land, labour and capital and a stable relationship between its current assets and liabilities. Such an assessment base would accord with advice previously given by MAFF to Local Planning Authorities on the subject of agricultural workers dwellings.

The accounts submitted with the application did not include an assessment of the financial soundness of the business. When taking this assessment into account the accounts show that there would still be a profit in two of the three years.

In terms of the financial test it also necessary to consider the balance sheet, in this case there is a healthy balance between assets and liabilities and as a result the financial basis for the enterprise is sound and sustainable. It is considered that the financial test has been met.

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

This policy test is not about ease, convenience or personal preferences it is about providing new residential accommodation only where the needs of the enterprise require that worker to be readily available on the site for it to function.

No assessment has been carried out to discount available dwellings in the area. The site is within easy reach of Congleton and as a result it was requested that the applicant's agent provides an assessment of why the functional need could not be fulfilled by another existing dwelling in the area which is suitable and available for occupation by the worker concerned. No such assessment has been provided. It should also be noted that the time of the previous application (11/1540C) a dwelling was for sale within sight of the application site

As stated in the functional section above, it is not considered that there is an essential need for a third dwelling on this site. Furthermore, the site is within close proximity to a number of affordable homes within Congleton. A search on the website [www.rightmove.co.uk](http://www.rightmove.co.uk) has indicated that there are 100 properties for sale at less than £130,000 within 3 miles of the application site.

Overall it is not considered that this test has been met.

Other planning requirements, e.g. in relation to access or impact upon the countryside are satisfied

This issue will be addressed separately below.

## **Design**

The application site is located on the opposite side of the road from Whitethorn Farm and the dwelling would be detached from the existing built form of the farm complex. It is considered that this siting would be contrary to Annex A of PPS7 which states that;

*'Agricultural workers dwellings should be sited as to meet the functional need and to be well-related to existing farm buildings or other dwellings'*

However Policy H18 which states that the proposal should *be 'satisfactorily sited on, or in relation to, the enterprise and wherever possible and practical should be sited within a settlement or existing group of buildings'*. In this case, it is not considered to be possible or practical due to the site being constrained by woodland and ponds. The only other alternative site would be between Whitethorn Farm and the A34. However this would obstruct views of the locally listed farmhouse and has been discounted. It is therefore considered that the siting of the proposed dwelling is the best available site given the constrained nature of the farm complex.

In terms of the detailed design, the proposal is double fronted with a central porch, the dwelling includes details such as brick banding, a chimney, arched brick lintels and brick edged sills. These design details are welcomed and it is considered that the design is appropriate in this case.

The dwelling would have a footprint of 156.5sq.m which is considered to be acceptable in this case. This is providing that the rooflights are removed and no accommodation is provided within the roofspace of the dwelling.

## **Amenity**

Given the separation distances to the adjoining properties, it is considered that the proposal would not have such a detrimental impact upon residential amenity that would warrant the refusal of this planning application.

## **Highways**

The application site is located on the outside of a bend in the road with good visibility. Given that the access would serve one dwelling and vehicular turning would be provided within the site it is considered that the development would not have a detrimental impact upon highway safety

## **Protected Species**

A protected species survey has been submitted with this application. This concludes that it is unlikely that Great Crested Newts utilise two of the ponds surrounding the site, whilst the other pond has a significant barrier for migration. As such it is considered that there is a very low risk that Great Crested Newts would be adversely affected by this development.

## **10. CONCLUSIONS**

The supporting information does not demonstrate that the development would meet the functional tests of PPS7 and the functional need could not be met by another existing dwelling in the area.

The proposal would meet the other agricultural workers dwelling tests and would not raise any implications in relations to residential amenity, design, protected species, or highway safety.

## **11. RECOMMENDATIONS**

### **REFUSE**

1. The Local Planning Authority considers that the applicant has failed to demonstrate that there is a clearly established existing functional need, and that the functional need could not be fulfilled by another existing dwelling in the area as specified within Annex A of PPS7. As a result, the special justification for allowing a new dwelling in the open countryside has not been met and the proposed development is contrary to the provisions of PPS 7 (Sustainable Development in Rural Areas) and Policies H18 (Dwellings Associated with Rural Enterprises), H6 (Residential Development in the Open Countryside and the Green Belt) and PS8 (Open Countryside) of the Congleton Borough Local Plan First Review (01/05).

