

Application No: 13/0501N

Location: Land adjacent to New Farm Buildings, Bunbury Common Road, Bunbury, Tarporley, Cheshire

Proposal: Erection of a temporary agricultural workers dwelling - Resubmission of 12/0083N

Applicant: Mr Richard Broster, R & H Broster & Sons

Expiry Date: 05-Apr-2013

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

MAIN ISSUES:

- Principle of development
- Siting and Design
- Landscaping
- Amenity
- Highway safety

REASON FOR REFERRAL

Councillor M. Jones has called in this application to Southern Planning Committee for the following reasons:

'This is an exceptions application as it is a dwelling outside the parish boundary. The is also questionable such as a change of use. As the farm is currently an active shop? I would also question the impact on the highways and design statement of the village. It has a temporary application which is questionable and is un popular.'

DESCRIPTION OF SITE AND CONTEXT

The application site is on land to the south of Bunbury Common Road, Bunbury within the Open Countryside. The site consists of 3 agricultural buildings and a farm shop and is surrounded by open paddock on all sides.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a temporary agricultural workers dwelling to serve a new farmstead.

The proposed dwelling would be a temporary mobile home which would include a living room/kitchen, a bathroom a hallway and 2 bedrooms. The unit would measure approximately 10.5

metres in length, 3.7 metres in width and would have a shallow, dual-pitched roof approximately 3.2 metres tall from ground floor level.

The size of the holding which includes the new buildings, where the dwelling is proposed is 94 acres. In addition to this holding, the applicant farms a number of other pieces of land which total approximately 348.5 acres. This land is scattered around the Bunbury area incorporating another farm, Haycroft Farm and includes 33.5 acres in Cheshire West. In total, the applicant owns 108 acres and rents the remaining 334.5 acres.

This application is a re-submission of 12/0083N which was refused as it was deemed that the proposal did not meet the functional test, financial test and the functional need could be fulfilled by other existing accommodation. Furthermore, it was considered that the siting and finish of the proposal was unacceptable.

This application seeks to address these concerns.

RELEVANT HISTORY

12/0083N - Agricultural Workers Dwelling (Mobile Home for a Period of 3 Years) – Refused 17th February 2012

11/4023N – New farm building – Approved 30th December 2011

11/2479N – New farm building – Approved 30th August 2011

11/1723N - Agricultural determination Agricultural storage building – Invalidated 9th June 2011

11/1370N - Agricultural general storage building – Withdrawn 9th June 2011

10/0106N - Agricultural livestock building – Approved 25th March 2010

09/3931N – Agricultural determination Agricultural storage building – Approval not required 18th December 2009

09/3420N - Agricultural determination Agricultural storage building – Refused 5th November 2009

4/5/5166 - O/a dwelling and garage – Refused 19th July 1965

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

NE.2 - Open Countryside

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

RES.5 – Housing in the Open Countryside

RES.6 – Agricultural and Forestry Occupancy Conditions

Other Material Considerations

The Agricultural Wages (England and Wales) Order 2011

Pre-application letter provided by Cheshire East Council regarding the proposal

CONSULTATIONS (External to Planning)

Environmental Health – No objections, subject to the unit being occupied by individuals connected with the farming business and a contaminated land informative.

Environment Agency – No objections

Strategic Highways Manager - No comments received at time of report

United Utilities – No comments received at time of report

Public Rights of Way Office – No objections, but recommend an informative be added to the decision notice, should the application be approved, reminding the applicant of their duties.

VIEWS OF THE PARISH COUNCIL

Bunbury Parish Council – Object to the proposal on the following basis; No need, impact upon the highway and impact upon the design of the village.

OTHER REPRESENTATIONS

2 letters of objection have been received. The grounds of objection raised relate to;

- Principle of the development
- The general extent of development on the site
- Highway safety – Increase in traffic, road condition
- Design – siting, visual amenity
- Whether the size of the holding / business justifies a dwelling
- Financial stability of the business

Concerns regarding an ongoing enforcement matter in relation to a farm shop have also been raised.

APPLICANT'S SUPPORTING INFORMATION

Supporting Statement
Design and Access Statement

OFFICER APPRAISAL

Principle of Development

Policy RES.5 of the Local Plan states that residential development is only acceptable in the Open Countryside for a person engaged full-time in agriculture or forestry, where it can be demonstrated that the location is essential for the efficient working of the enterprise, it can be demonstrated that the new dwelling cannot be accommodated within a defined settlement, there is no suitable existing

dwelling on the site or nearby, there are no suitable buildings on the site or nearby which could be converted into a dwelling.

If the new dwelling is deemed to be acceptable in principle, Policy RES.5 states that where possible, it should be sited within a nearby group of existing dwellings or a farm/building complex and that the form, bulk and design of the dwelling reflect the locality's rural character and the enterprise needs. Furthermore, it is advised that the dwelling should not be unusually large in relation to the size of the holding not too expensive to construct.

Paragraph 55 of the NPPF advises that;

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. 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; or***
- *Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *Significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.'*

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.

Although PPS7 has been superseded by the NPPF, the criteria contained within this document are still used as a guide to assess worker dwellings, particularly Annex A.

Paragraph 10 of PPS 7 makes it 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 full time workers to live at, or in the immediate vicinity of, their place of work.

Policy requirements of temporary Agricultural Workers' Dwellings

Annex A in PPS7 outlines the relevant assessment to establish whether there is a case for a new dwelling to accommodate a worker. It advises that *'if a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or on an established one, it should*

normally, for the first three years, be provided by a caravan, a wooden structure which can easily be dismantled, or other temporary accommodation.' It should satisfy the following criteria, listed below:

- Clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- Functional need
- Clear evidence that the proposed enterprise has been planned on a sound financial basis
- 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 for occupation by the workers concerned; and
- Other normal planning requirements, e.g. on siting and access, are satisfied

In response to these policy requirements;

Clear evidence of a firm intention and ability to develop the enterprise concerned

It is advised within paragraph 6.2.1 of the submitted Supporting Statement that the applicant's acquired the land in 2009 '*...with the intension of establishing an independent viable agricultural unit based upon a variety of mixed farm enterprises.*

Physical structures

Paragraph 6.2.2 states '*Over the last 3 years Mr Broster has put significant investment into the site in the region of well over £300,000, constructing agricultural buildings and other landscaping works*'

This investment has resulted in a farmstead which currently has approval for;

- **12/2724N** – New farm building (loose housing for cattle) – Approved 5th September 2012
- **11/4023N** – New farm building – Approved 30th December 2011
- **11/2479N** – New farm building – Approved 30th August 2011
- **10/0106N** - Agricultural livestock building – Approved 25th March 2010
- **09/3931N** – Agricultural determination Agricultural storage building – Approval not required 18th December 2009

In addition, there is currently a live planning application for another farm building for tagging (planning application 13/0966N) under consideration.

Current enterprises

To date, paragraph 4.3.2 of the supporting statement advises that the enterprise now consist of:

- Heald of Sucker cows – 52 Aberdeen Angus and Hereford cows
- Beef fattening unit - Approximately 266 heads of cattle
- Sheep Enterprise – 200 Texel/Suffolk Cross Ewes and 10 lambs slaughtered every week
- Free Range Egg Enterprise – 1400 hens
- Silage crops – Approximately 270 acres

- Maize and fodder – 18.5 acres
- Cereal crops – 20 acres
- Potato crops – 25 acres
- Vegetable crops – 5 acres

From visiting the site, it was clear that this was a new, busy, working farm enterprise. The erected structures were in use and cattle, sheep and poultry were visible at the site, as was the small farm shop. It is advised that to date, approximately £300,000 has been invested in the enterprise. This is an already established enterprise and the number of previous agricultural-related planning applications submitted since the acquisition of the site has demonstrated the intension of the applicant to develop the business.

This was also the conclusion within the 2012 assessment.

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 the protection of livestock from theft or injury by intruders may contribute towards the justification to the need for a new dwelling however, this will not by itself be a reason to justify one.

As part of the 2012 application, within the associated submitted Agricultural Appraisal and Planning Statement, the agent acting on behalf of the applicant advised that the functional need included;

- The twice daily feeding on a year round basis of all housed livestock together with the checking of water supplies and provision of bedding etc.
- The twice daily inspection of all livestock both housed and grazed to check animal's health and welfare, with particular requirement to check for any early stages of animal diseases or injuries
- Both sheep and cattle have tendency to serious injury and entanglement with fences/gates/hedges which can lead to injury or often death if not attended to at the earliest opportunity.
- Hourly supervision on a 24 hour basis of all in calf (pregnant) cows, and assistance and supervision at calving to avoid loss and injury and suffering both cow and calf.
- Hourly supervision on a 24 hour basis is required during the lambing period and also prior to the commencement of lambing, when the ewes are in the later stages of pregnancy and prone to varying ailments as 'twin lamb disease' pro-lapses, abortions and calcium deficiency.

- Permanent residence is required to oversee the arrival and dispatch of livestock for both welfare/husbandry grounds, and also administration purposes in respect of the necessary movement licences required, passports and consents.
- The incidents of theft and vandalism on agricultural units is an increasing problem on many holdings, which can result in significant losses and suffering to stock by acts of cruelty, damage to water supplies and release or theft of livestock. The human presence helps to deter such acts.
- A constant presence is required to assist in undertaking all routine repairs, maintenance and farm operations all of which can more effectively be undertaken at appropriate opportunities if the applicant is resident on the holding.

Furthermore, animal specific related activities were detailed as follows;

Chickens

- During colder spells the eggs need to be collected every 3 hours to prevent them from freezing/cracking and the frozen drinking water needs to be replaced.
- First egg collections are at 5:30am
- Generally need to be on hand to monitor drinking water
- Need to be on site in the event of a power cut effecting the chicken coop lights and electric fence
- Chickens need to be put to bed when it gets dark
- Loss of stock to foxes

Suckler Cows

- Need to be onsite for calving for the health and wellbeing of calve and mother

Sheep

- Need to be present for lambing between January and May each year

Other Cattle

- Need to train calves to drink from a trough
- Inspection at 11pm

As part of the current submission, in addition to the above, it has been advised that the range of farming duties conducted include;

- Strategic day to day management of the farm business
- Bedding down of all cattle
- Moving the chickens to new pasture when required
- Monitoring livestock performance and growth rates
- Tractor driving, including arable operations, silaging and growing of the potatoes and vegetables.
- To adhere with the EU Council Directive 98/58/EC in terms of animal welfare – These regulations legally require owners and keepers of animals to ensure the welfare of these

animals under their care and to ensure that the animals are not caused any unnecessary pain, suffering or injury

- To adhere with the government's 'Welfare Code', which backs up the legislative requirements and advises that stock-keepers should have enough time to inspect the stock and take action to deal with any problems. It is advised within paragraph 6.1.6 that '*...these symptoms cannot be properly identified remotely and the stockman needs to undertake inspections personally, often outside normal working hours and treat promptly...*'
- The finishing of bought in cattle
- Rearing of bull beef
- Overall labour requirement of the agricultural unit

In response to the above, the first test that workers need to be on site day and night within PPS7 is '*in case animals or agricultural processes require essential care at short notice.*'

As part of the 2012 assessment, it was concluded that a worker would need to be on site day and night at short notice for the lambing season. However, other aspects of the operations could be managed during the day without the requirement for a farmer to be there at night and at short notice. It was also concluded that due to the low volume of cattle, this number was not considered to be significant enough to warrant day and night supervision.

As such, it was concluded that the number of animals and the size of the holding were insufficient to justify a dwelling.

Since this determination, paragraph 4.1.3 of the Supporting Statement advises that '*...Mr Broster has taken out an agreement on a further 165 acres of pasture land, taking the total land farmed to approximately 480 acres (194.25 Ha).*'

This land is scattered around the Bunbury area incorporating another farm, Haycroft Farm and includes 33.5 acres in Cheshire West. In total, the applicant owns 108 acres and rents the remaining 334.5 acres.

In terms of the number of animals, according to the submitted information accompanying both the previous planning application and this proposal the numbers of animals have varied as follows;

- Heald of Sucker cows – Increase by 17 heads of cattle (49% increase)
- Beef fattening unit - Increase by 96 heads of cattle (56% increase)
- Sheep Enterprise – No change
- Free Range Egg Enterprise – Increase by 400 heads of poultry (40% increase)

Given this increase in holding size and animal numbers, it is considered that this shows a firm intention to expand the business further and to a holding size that is sufficient to sustain a temporary dwelling.

As a result, it is considered that the proposed dwelling meets the functional test.

Clear evidence that the proposed enterprise has been planned on a sound financial basis

It was advised within the submitted Supporting Statement that accompanied the 2012 application that the business has been financed entirely out of capital/savings, and does not have any long term borrowing or mortgages.

Within the submitted business accounts for this application, it shows that in 2009/2010 the farm operated at a net loss and gross profit (before tax) of -£30,069, in 2010/2011 the farm operated at a net profit of £10,697 and a gross profit (before tax) of -£11,021, in 2011/2012 the farm operated at a net profit of £77,586 and a gross profit (before tax) of £43,380.

A letter from Howard Worth Chartered Accountants projects that the accounts for 2012/2013 will show a gross profit of £60,732.

It should be noted that the gross profit figure takes into account depreciation.

The submitted accounts accompanying the 2012 application showed that in 2008/2009 the farm operated at a loss of £2,284, in 2009/2010 the farm operated at a loss of £30,069, in 2010/2011 the farm operated at a loss of £11,021. It is advised that the applicant would/could generate a gross profit before tax, drawings and property of £42,158 for 2011/2012.

All of these figures do not include the wages of the 3 full-time or 1 part-time employees.

The financial test for temporary accommodation requires clear evidence that the business has been planned on a sound financial basis. The business must be economically self-sustaining and capable of producing a return on the capital invested in it. Guidance from the former MAFF on the topic indicated that a financially sound business should be able to provide a reasonable return on all inputs used (which, in the case of agriculture, would include land, labour and capital). The methodology assumes that a minimum return to land would be a value equivalent to the rental income attainable from the land; that the minimum agricultural wage would provide a reasonable return to labour; and that a reasonable return to capital employed in the agricultural sector would be 2.5%. For a holding to be considered financially sound both now and in the future, the net profit achieved would have to cover these notional deductions.

In response to this test, the land which is calculated at £58 per hectare potential rental income, equates to £2,494 for this 108-acre holding which is owned by the applicant. As a guide, within The Agricultural Wages (England and Wales) Order 2011, it is advised that a standard worker's wage would be £13,728. When this is multiplied by 3 it equates to £41,184 per annum. With regards to capital investment, because it is advised that approximately £300,000 has been invested to date, 2.5% of this figure would be £7,500. As such, in total £51,178 needs to be subtracted from the annual income in order to test the financial soundness. Once subtracted, the figures indicate that in 2008/2009, the farm operated at a loss of £53,462. In 2009/2010, the farm operated at a loss of £81,247 and in 2010/2011, the farm operated at a loss of £62,199.

It was originally determined that although it is accepted that any new business would require a degree of start-up costs, because each projection indicated a loss, it was not considered that the business was financially sound.

Since this determination, the projected figure for the 2011/12 financial year for a net profit of £42,158 and a gross profit of -£20,792 was adjusted to and confirmed as a net profit of £77,586, and a gross profit of £43,380. When applying the MAFF deductions, this would result in an overall loss of £7,798.

The 2012/13 projections show a gross profit of approximately £60,732 which would equate to a £9,554 profit after MAFF deductions.

Although these records indicate a history of financial losses taking into account the MAFF deductions, these figures demonstrate a year-on-year upward curve in the financial fortunes of the business leading to an overall profit (including deductions) for the first time projected for this financial year.

The additional financial information provided provides sufficient proof that the financial situation of the business is continuing to improve. As such, it is considered that enough evidence has now been provided to satisfy the financial requirements of a temporary dwelling.

It should be noted however, that these figures would not be sufficient to justify a permanent dwelling.

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 for occupation by the workers concerned

It was originally determined that there were other dwellings within the area which could fulfil the functional needs of the business. However, due to the increase in the size of the business since this determination, it is now considered that there is a functional need for the farmer to live on site for the reasons detailed within the functional test assessment. As such, this test is nullified.

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

This issue will be addressed separately below.

Impact upon the character and appearance of the Open Countryside

The proposed temporary dwellinghouse would have accommodation on one floor with an approximate total floor area of 42 square metres. Within the justification text of Policy RES.5 of The Borough of Crewe and Nantwich Adopted Replacement Local Plan, it is advised that a maximum size for which permission will be given is 140 square metres. As such, it is considered that the unit is of a modest scale and design and therefore acceptable.

Siting and Design

Policy RES.5 of the Local Plan advises that new dwellings will be restricted to those that: *'Where possible, the new dwelling is sited within a nearby group of existing dwellings or a farm/building context.'*

Within paragraph 13 of Annex A of PPS7, it is advised that planners should not *'normally give temporary permissions in locations where they would not permit a permanent dwelling.'*

The original submission was partially refused because of *'...its distance from and relationship with the existing farm buildings which are at present, neatly grouped in an elongated fashion.'*

As part of this submission, the siting of the temporary home has been amended. The revised position of the home has been moved further back within the application site away from the

highway. It would now be approximately 40 metres from Bunbury Common instead of 35 metres. Furthermore, it has been moved to be closer to the existing agricultural development within the site. Although the site would be in a prominent location, it has been moved closer to the existing group of buildings and would therefore no longer appear detached from the holding.

With regards to the design, the proposal is effectively a static caravan. It is proposed that the development would be a brown / cream in colour which was originally considered to appear incongruous within this prominent location close to the highway.

However, because the development has now been moved further back from the highway and relates to an adjacent barn which is light brown in colour, it is no longer considered that this will appear incongruous, especially once landscaping has been implemented.

Landscaping

Existing hedgerows would provide a degree of screening from the road and the surrounding area. Subject to the protection of such and the use of additional planting, there is no landscaping objection to the proposed development.

Amenity

The nearest residential property to the application site is located over 350 metres from the proposal. Such distance is sufficient in order to ensure that the proposed dwellinghouse would not impact upon residential amenity or privacy.

Highways

In the absence of any objections from the Strategic Highways Manager, it is not considered that the proposed development would raise any highway safety/parking implications.

CONCLUSIONS

The proposal complies with the relevant policies of the Development Plan and is considered to be acceptable. The proposal has an acceptable impact upon the amenities of neighbouring properties. The visual impact of the proposal on the character and appearance of the area is considered to be acceptable.

The proposal therefore adheres with the following policies within the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011; NE.2 (Open Countryside), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), RES.5 (Housing in the Open Countryside) and RES.6 (Agricultural and Forestry Occupancy Conditions). The proposal would also adhere with the NPPF.

RECOMMENDATIONS

APPROVE subject to conditions

1. Time (Standard)
2. Plans
3. Materials as per application
4. Details of surfacing materials

5. Landscaping (Details)
6. Landscaping (Implementation)
7. Boundary treatment
8. PD removal – Class E
9. Agricultural workers only

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