

Application No: 19/0739C

Location: LAND TO THE WEST OF, PEXALL ROAD, BRAMHALL HILL
CONGLETON

Proposal: Outline application for an agricultural workers dwelling (permanent)

Applicant: Mr & Mrs David and Julie Platt

Expiry Date: 10-Jun-2019

SUMMARY

The existing business is well-established. However, the future enterprise will change significantly as a result of its relocation. The uncertainties regarding the tenure of the land and the required construction of the building mean that, at this time, it has not been demonstrated that there is a long term need for a permanent dwelling on the site.

The functional need for a dwelling on the site is also questioned, given the loss of the dairy herd. Whilst it is accepted that there is a need for an on-site presence during the lambing season, it is not accepted that the livestock could not be managed adequately through the use of technology, such as CCTV and alarms.

Given the uncertainty resulting from the relocation, it is considered that a temporary permission for three years would be the most appropriate way forward. This would give the applicants the opportunity to establish the relocated business and demonstrate the long term functional need for the dwelling. Such an approach would comply with policy DC24 of the MBLP. As the application is made in outline form for a permanent dwelling, it is not possible to amend this without changing the application, which the applicant has not agreed to. As such the application is recommended for refusal.

SUMMARY RECOMMENDATION

Refuse outline planning permission

REASON FOR REPORT

The application has been called to Committee to by the Local Ward Member, Cllr Smetham, for the following reasons:

“The Platt family has been farming their land in and around Gawsworth for many years, father and son. The current lease is not going to be renewed due to Cheshire East policy regarding

council owned property. Therefore this family need to continue with their business as best they can in the neighbourhood. There are no suitable properties to acquire in the area. The situation of the family has generated much local interest with residents and in the press. The land is not greenbelt and although homes in the countryside are not acceptable, agricultural work is accepted. Other land is owned and rented by this farming business, so to move further away would be a great burden for the operation of this farming business and for the welfare of creatures that need full attention night and day. The lease has been extended in order for the Platt's to find other accommodation in the area. Mrs Platt teaches at the local school and children are settled at schools locally with important exams looming."

PROPOSAL

This application seeks outline planning permission for the construction of a permanent agricultural worker's dwelling. All matters (access, appearance, landscaping, layout and scale) are reserved for subsequent approval.

SITE DESCRIPTION

The site lies within the open countryside as identified in the MBLP. The site currently comprises an open field used for grazing. However, planning permission and prior approval have been granted for agricultural buildings.

RELEVANT PLANNING HISTORY

19/0706M – Access track - prior approval not required, 5 March 2019

18/3787C – Erection of an agricultural building – Approved, 26 September 2018

18/3072C – Prior notification of agricultural storage building - prior approval not required, 28 June 2018

15/4315M – Outline application for the erection of agricultural workers dwelling – refused, 18 November 2015

DEVELOPMENT PLAN POLICY

Cheshire East Local Plan Strategy (CELPS)

MP 1 – Presumption in Favour of Sustainable Development

PG 2 – Settlement hierarchy

PG 6 – Open countryside

SD 1 – Sustainable Development in Cheshire East

SD 2 – Sustainable development principles

SE 1 – Design

SE 3 – Biodiversity and geodiversity

SE 5 – Trees, hedgerows and woodland

Macclesfield Borough Local Plan (MBLP)

DC6 – Circulation and Access (new development)

DC8 – Landscaping for new developments

DC9 – Tree Protection

DC23 – Green belt and countryside – permanent agricultural dwellings

DC24 – Green Belt and countryside – temporary agricultural dwellings

NE11 - Habitats

Other Material Policy Considerations

National Planning Policy Framework (NPPF 2019)

Paragraph 79

Chapter 9 – Promoting Sustainable Transport

Chapter 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance

CONSULTATIONS

Jodrell Bank – No reply

United Utilities – No objections

Strategic Infrastructure Manager – No objections

Flood Risk Manager – no objections provided the applicant does not increase flood risk on or off site.

North Rode Parish Council - Support the application provided that the animal welfare justification within the submission is valid and that the application complies with all relevant Planning Policy considerations including a financial case. An Agricultural Occupancy condition should be included in any Planning Permission and that permitted development rights should be removed.

REPRESENTATIONS

Comments have been received from the neighbouring Parish Council, Marton Parish Council, supporting the proposal noting that, notwithstanding its preference for brownfield development, they are keen to support the development of local farming business in their locality. This planning application would allow for the establishment of an additional farm in the area, increasing the supply of local produce for local consumption as well as local employment, both directly and indirectly.

APPRAISAL

Principle of development

The application site lies within the open countryside, where policy PG 6 of the CELPS applies. This policy sets out the types of development which may be acceptable within the open countryside. This includes development that is essential for the purposes of agriculture.

Saved policy DC23 of the MBLP deals with permanent agricultural worker's dwellings. This states that planning permission will be granted for a full-time farm employee in the countryside, where all of the following criteria are met:

- i) ***There is a long term need for the dwelling and it is essential to the efficient working of an existing agricultural activity on a well established agricultural unit***

The existing farming enterprise comprises 250 acres, which includes 69 acres of land at New Pastures Farm, 26 acres of owner occupied land and a further 155 acres of rented land. The rented land is rented in several parcels on the basis of a yearly rolling tenancy.

The existing farm buildings and house are located at New Pastures Farm and have been farmed by the Platt family since 1967. The tenancy on the land at New Pastures Farm expires on 31 March 2020. The remaining owner occupied and rented land would continue to be farmed by the applicant. This land is separated over several sites within the local area.

Given the expiry of the tenancy at New Pastures Farm, the applicant is looking to relocate the farm enterprise to the application site, understood to be the only land within the applicant's ownership. The applicant has confirmed that the existing farm is a mixed dairy, sheep and turkey enterprise. The applicant intends to cease the dairy element of the enterprise, when the existing tenancy expires. The applicant intends to continue farming turkeys and sheep on the remaining 181 acres (155 acres rented and 26 acres owned).

Planning permission and prior approval were granted for two new agricultural buildings on land adjacent to the application site on the land owned by the applicant. Works have not yet commenced on these buildings.

In the first instance, it needs to be demonstrated that the proposal relates to an established agricultural unit. It is not disputed that in its current form, the enterprise is established and well-run. However, the base of the enterprise is at New Pastures Farm, which would not form part of the business going forward.

The majority of the land farmed is not within the applicant's ownership and is rented on a yearly basis. Whilst the owners of the rented land have indicated that they hope to continue renting the land to the applicant, this offers no guarantee that the land will continue to be available and rented to the applicant. If the applicant was no longer able to rent the land, only 26 acres would remain available to them. This would be unlikely to be sufficient to sustain the enterprise as proposed.

There are no farm buildings, which would serve the relocated enterprise. Indeed, the application proposals relate to a field currently free from development. Whilst permission has been granted for two agricultural buildings and an access track, there is no guarantee that these buildings would be constructed. It is considered that a legal agreement would not be sufficient to ensure the agricultural buildings are constructed first or secure the long term need, as if the works were to commence, without being fully completed, the permission for the dwelling would remain extant indefinitely.

The insecurity of the current position both in terms of tenancy of the remaining rented land and the lack of buildings associated on the new site indicate the fundamental changes to the enterprise. Given this, it is not considered that it has been demonstrated that there will be a long term need for the dwelling.

It also needs to be demonstrated that the proposed dwelling is essential to the efficient working of the unit.

The agricultural appraisal confirms that the sheep enterprise currently consists of 600 lambing ewes and 800 store lambs. The applicant intends to increase the numbers of livestock to 800 lambing ewes and 1000 store lambs. The turkey enterprise consists of 3200 birds. The applicant has not indicated any intention to increase this aspect of the business.

The submitted appraisal calculates a need for 2.76 workers for the business, equating to a need for two full time workers. These figures are not disputed. However, a need for 2 full time workers does not mean that both or any of these workers need to be resident on the application site.

The appraisal sets out the key times of year for both the sheep and turkey enterprises and asserts that there is a need for a full time worker to live permanently on the site. It states that sheep farming is a year round enterprise. This is also not disputed. However, for much of the year, the ewes and lambs are out grazing in the fields, out of sight and sound of the current residential dwelling. It is acknowledged that during the lambing period, there is a need for a skilled stockperson to be within sight and sound of the sheep, as lambs can arrive at any time of day or night. The stockperson would need to be available to cut the umbilical cord, provide colostrum and intervene if needed. The lambing period runs between March and May. As such for the remaining months of the year, which is most of the year, it is not accepted that the sheep enterprise warrants a resident stockperson on the site.

The appraisal advises that whilst turkey farms can run year round, the applicant's business focuses on the Christmas market. The turkeys arrive as poults in July. They are then reared on the site before being slaughtered and sold for the Christmas market in December. Turkeys on arrival are kept under heaters, until they are 6 weeks of age, as up to this point, they cannot cope with an ambient temperature. The appraisal confirms that during this period it is essential that the heat lamps are monitored as any failures in the heat supply could result in the loss of turkeys. It also confirms that the turkeys require regular checks to ensure the correct conditions in the house, including at night during the first few weeks.

The statement advises that whilst CCTV can be useful it is not a substitute for the stockperson being within proximity to the livestock. However, it has not been demonstrated that all technological options have been explored or that they would not be able to monitor the

temperature within the shed and alert the applicant to any fluctuations or failures. Likewise, it has not been demonstrated that the overnight checks could not be carried out by operating a shift pattern.

It is acknowledged that the applicants currently occupy the dwelling at New Pastures Farm. However, this dwelling exists as a matter of fact. This application for a new, permanent agricultural workers dwelling is subject to stringent tests which do not apply to the existing property. Additionally the applicant currently manages a dairy herd, which has different requirements.

It is accepted that there is a need for regular care and maintenance of the livestock. It is also accepted that during the lambing period, there is a need for a stockperson to be on site 24/7. However, outside of this period, it would appear that the enterprise could be managed without having a stockperson within sight and sound of the livestock.

Given the uncertainties regarding the basis for the relocated enterprise and questions regarding the functional need for a dwelling given the loss of the dairy herd, it is not considered that the proposal meets this criterion.

- ii) ***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 applicant has provided financial records which demonstrate that the business has been established for more than 3 years and is currently profitable excluding the dairy enterprise, which will not be continuing. They have also provided projected figures for future years, which also indicate a profit.

That the existing business is currently profitable is not disputed. However, the future business is based on predominately rented land, which is rented on a yearly rolling tenancy. Additionally neither of the buildings approved as part of the relocated farmstead have yet been constructed. Whilst projected business forecasts have been provided, these are only estimates. Consequently, in its present form it is not considered that it has been demonstrated that there is a clear prospect that the relocated enterprise would continue to be profitable.

- iii) ***The need cannot be met by another dwelling on the unit***

There are no other dwellings on the unit to be retained by the applicant.

- iv) ***There are no buildings available for conversion***

There are no other buildings on the unit which could be converted.

- v) ***The need cannot be met by any other existing accommodation in the area; and***

A search carried out on 19 May 2019 found 6 properties within 1 mile of the site, although only one of these had three or more bedrooms, and was on the market for £359 950. Within three miles of the site, there were 225 properties for sale with three or more bedrooms. The properties ranged from £72 000 to £3.2 million.

There would therefore appear to be a range of properties which could potentially be available for the applicant within the locality.

- vi) ***The dwelling should be appropriately located and wherever possible should be site within and designed in relation to a nearby group of dwellings or a farm complex.***

The current application is in outline form with all matters reserved. If this application had been recommended for approval, the exact siting and appearance of the dwelling would have been dealt with by a separate reserved matters application.

In summary, for the reasons set out above, it is not considered that there is a need for a permanent agricultural worker's dwelling on the site. The construction of a new dwelling would therefore not fall within one of the types of development which may be acceptable in the open countryside, as set out within policy PG 6 of the CELPS.

The existing site is an open field, devoid of structures. Permission has been granted for two agricultural buildings, these have not yet been constructed. In any case, whilst these buildings would be large and functional structures, they would not appear out of keeping within their rural setting. The construction of a dwelling on the site with the associated residential paraphernalia would have a domesticating impact, which would result in encroachment into the open fields, undermining the rural and open appearance of the surrounding countryside.

In the absence of further evidence demonstrating the need for a permanent agricultural worker's dwelling, the benefits would not outweigh the harm resulting from the proposal.

However, given the circumstances as set out above, a temporary permission is something that should be considered. Temporary dwellings are often granted on newly established enterprises to give time for the new business to establish itself. Of course, a temporary dwelling would not be a permanent structure, instead it would be provided by a caravan or other temporary structure which can easily be removed from the site, in the event that the business has not established itself over the temporary period. Therefore even though details of the dwelling are reserved for future approval, any temporary permission would be an easily reversible form of development. Whilst this would not be the applicant's preferred choice it would give them the opportunity to establish the relocated business. This essential need for a rural worker could then be reviewed at the expiry of a 3 year temporary permission, in order to determine whether a permanent dwelling can be justified at that time. In order to be able to grant a temporary permission, the applicant would need to agree to change the description of development.

Ecology

All new development should be designed and sited to minimise the impacts on protected species as a result of development and where impacts are expected mitigation methods are advanced and where not possible to do this on site financial contributions for off-site Nature Conservation may be expected. The most relevant policies for consideration are SE3 of the CELPS and NE11 of the MBLP.

The site lies within an existing agricultural field, which is covered with grass land. The Council's Nature Conservation officer has not raised any objections to the proposal.

A condition is recommended to retain and enhance the existing hedgerow, requiring compensatory native species to compensate for any unavoidable sections of hedgerow loss. Further conditions relating to a nesting bird survey and provision of features for house sparrows and roosting bats are also recommended in the event of approval. Subject to these conditions the proposal will comply with policy SE3 of the CELPS and NE11 of the MBLP.

Trees and hedgerows

All development should seek to protect and provide management for the retention of trees, woodland and hedgerows, including the provision of new planting where removal is cited given that the natural environment is a key characteristic of places within Cheshire East. The most applicable policies for consideration are SE5 of the CELPS and DC8 and DC9 of the MBLP

Hedgerows are identified as a priority habitat and a material planning consideration. The new access track, which affects the hedgerow, was approved under the prior approval process. If planning permission had been granted it would have been subject to an informative, advising the applicant of the possible need for a hedgerow removal notice.

Highways

All new development is expected to provide safe access onto the highway, protect pedestrian safety, provide parking for vehicles and cycles in line with adopted standards with sufficient manoeuvring space. Where updates to infrastructure to serve the development are required, developer contributions may be sought to ensure where the development would be unacceptable in policy terms without it. Development sites should be in sustainable locations shifting the emphasis of travel by private vehicle onto public transport, cycling and walking.

The most applicable policies are SD1, SD2 and appendix C of the CELPS and policy DC6 of the MBLP.

Whilst layout would be dealt with as a reserved matter, the site area would be sufficiently large to accommodate parking in line with the adopted parking standards set out within appendix C of the CELPS (1 space per dwelling for 1 bedroom dwellings, 2 spaces per dwelling for 2/3 bedroom dwellings and 3 spaces per dwelling for 4/5+ bedroom dwellings). Similarly access would be dealt with as a reserved matter, but it is evident that a suitable access can be provided.

The Strategic Infrastructure Manager has not raised any concerns regarding the proposal.

Sustainability

The site lies within the open countryside. The road is national speed limit and there are no pavements or streetlighting. As such it is highly likely that any new residents would be reliant on the use of private cars. This would conflict with the emphasis on travel by public transport, cycling and walking promoted within chapter 9 of the NPPF and policy SD2 of the CELPS.

Paragraph 79 of the NPPF sets out the circumstances in which isolated dwellings in the countryside may be acceptable. This includes where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

However, in this case, it is not accepted that there is an essential need for a rural worker to live permanently at or near their place of work. Consequently, the proposal would fail to comply with the requirements of policy SD2 and paragraph 79 of the NPPF.

Amenity

All development should be located and designed so as not to result in harmful or cumulative impacts on residential/ amenity of neighbouring form or on the surrounding environment regarding air quality, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment or detrimentally affect amenity or cause harm. The most applicable policies to consider are SE1, SE8, SE9 and SE12 of the CELPS and policies DC3, DC13 and DC14 of the MBLP.

The closest neighbour is Bramhall Hill Farm which is located on the other side of Bramhall Hill Road. Given the nature of a residential use and the distance of separation, there would be no adverse impact on residential amenity. The detail of such considerations would be considered at reserved matters stage in any event.

There would be sufficient space within the site to provide appropriate internal and external residential amenity space for the future occupiers.

CONCLUSION

The existing business is well-established. However, the future enterprise will change significantly as a result of its relocation. The uncertainties regarding the tenure of the land and the required construction of the building mean that at this time, it has not been demonstrated that there is a long term need for permanent agricultural workers dwelling on the site. These concerns cannot be addressed by way of a legal agreement.

The functional need for a dwelling on the site is also disputed given the loss of the dairy herd. Whilst it is accepted that there is a need for an on-site presence during the lambing season, it is considered that the remaining elements of the business could be effectively managed with through a combination of technology (such as alarms and CCTV) and/or staffing on a rota basis.

Given the uncertainty resulting from the relocation, it is considered that a temporary permission for three years would be the appropriate course of action. This would give the applicants the opportunity to establish the relocated business and demonstrate the long term functional need for the dwelling. Such an approach would comply with policy DC24 of the MBLP. As the application is made in outline form for a permanent dwelling, it is not possible to amend this without changing the application, which the applicant has not agreed to. As such the application is recommended for refusal for the following reason.

- 1. The proposal would not comply with the requirements of policy DC23 of the Macclesfield Borough Local Plan. It has not been demonstrated that the proposal is essential to the efficient working of an existing agricultural activity and at this time, the local planning authority cannot be satisfied that there would continue to be a need for an agricultural worker's dwelling. The construction of an isolated dwelling in this location would result in encroachment into the open countryside, harmful to its visual character and appearance. The proposal**

would fail to comply with the requirements of policy PG6 of the CELPS and paragraph 79 of the NPPF.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

