

Application No: 10/2744M

Location: LAND AT, ULLARD HALL LANE, PLUMLEY, KNUTSFORD
Proposal: CONSTRUCT A TEMPORARY AGRICULTURAL WORKERS DWELLING TO SUPPORT A NEW FREE RANGE EGG ENTERPRISE.

For MR BEN WHARFE

Registered 21-Jul-2010

Policy Item No

Grid Reference 374401 375163

Date Report Prepared: 17 September 2010

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Impact on:

- Character and openness of the North Cheshire Green Belt
- Highway safety
- Agricultural justification/need
- Landscape setting and surrounding area
- Design/materials
- Residential amenity
- Environmental health matters
- Trees
- Ecology
- Prevailing policy

REASON FOR REPORT

The application for temporary worker's accommodation has been submitted in parallel with a planning application (10/2729M) for the erection of an agricultural building in which the proposed free-range egg enterprise would be established. That application is the subject of a separate appraisal. Should that application be refused, there would be no justification for the proposed dwelling, and to this extent the two applications are directly linked.

DESCRIPTION OF SITE AND CONTEXT

The site consists of 56 acres of open, previously undeveloped Green Belt land, situated to the south of Ullard Hall Lane a no-through road which serves a small number of farms and residential properties.

A relatively well established hedge forms the northern boundary of the site (to Ullard Hall Lane) which contains four large trees of note to this boundary. An oil pipeline intercepts the field running from north to south. The M6 runs to the southwest of the site.

The site is located within the North Cheshire Green Belt as defined by the MBLP.

DETAILS OF PROPOSAL

The proposal relates to the siting of a mobile home for a maximum period of 3 years for the occupation by an essential agricultural worker to support a new agricultural building to house 12,000 hens. A separate application (10/2744M) has been submitted for the construction of a new agricultural building to establish a free range egg farm for 12,000 hens, which is also on this agenda.

The proposed mobile home (situated on a wheeled base) would be 15.4m long by 6.7m wide with an eaves height of 3.2m and a ridge height of 4.2m and would be located approximately 8.5m to the east of the proposed egg unit and its occupation would be associated with the unit. The sides and gable ends would be clad externally with timber and the roof would be tiled. Within the proposed curtilage of the site space would be provided for a driveway, turning areas and two car parking spaces accessed via a new entrance off Ullard Hall Lane (separate access from the main unit).

RELEVANT HISTORY

10/0980M - Construct a new agricultural building in order to establish a free range egg production unit. Withdrawn 04-Jun-2010

10/1713M - Construct a temporary agricultural workers dwelling to support a new free range egg enterprise. Withdrawn 04-Jun-2010

POLICIES

Local Plan Policy

NE11	Nature Conservation
BE1	Design Guidance
GC1	New Buildings
DC1	New Build
DC3	Amenity
DC6	Circulation and Access
DC8	Requirements for Landscaping
DC9	Tree Protection
DC24	Temporary Agricultural Dwellings
DC38	Space, Light and Privacy

Other Material Considerations

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS4	Planning for Sustainable Economic Growth
PPS7	Sustainable Development in Rural Areas
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPS23	Pollution Control
PPG24	Noise

Further along Ullard Hall Lane an application has also been submitted to the Council for the erection of a second agricultural workers dwelling in association with Ullard Hall Farm. The application details are: 10/2949M - Construction of an agricultural workers dwelling, recently registered and previous submission 10/0099M - Construction of an agricultural workers dwelling - Withdrawn 08-Mar-2010

CONSULTATIONS (External to Planning)

Highways: no objection subject to conditions. The proposed access is of a satisfactory design and provides 2 off-street parking spaces and a turning facility. There is a requirement to provide visibility at the access point 2.0m x 45m, this can be achieved and secured by condition.

Environmental Health: no objection subject to conditions and informatives - it is recommended that this application if permitted is restricted to the agricultural use relating to application 10/2729M, again if permitted

Public Protection and Health (Contaminated Land): The application is for a new residential property which is a sensitive end use and could be affected by any contamination present, condition requiring contaminated land reports are recommended.

Independent Agricultural Consultant: the proposed siting of the temporary accommodation would, on balance, meet the functional requirements of the holding; no suitable and available alternative accommodation exists in the locality from which to deliver the appropriate level of management.

VIEWS OF THE PARISH / TOWN COUNCIL

Lower Peover PC: object – whole enterprise which would have a separate entrance to the main egg unit is located in beautiful part of the countryside which has never been developed before, will be a blot on the landscape and will permanently disfigure a cherished area of the village.

Plumley with Toft and Bexton PC: do not object to either of the applications and would recommend approval. It is considered that all elements - environmental, transport etc have been considered and this is a worthy application.

OTHER REPRESENTATIONS

Letters of objection:

13 sets of objections have been received, the main points raised were:

- Once the Green Belt has gone it is gone forever/Keep the Green Belt for future generations to enjoy.
- Media/internet stories – automated systems for egg houses which can send an alarm to a mobile phone, the applicant could live in an existing dwelling in the local vicinity and manage his business fully and safely without the need for an additional unsightly building on the Green Belt.
- There are currently 115 properties for sale in a 3 mile radius of the site ranging from 2 to 4 bedrooms in a price range of £54,000 to £350,000. Six of these are within 1 mile radius.
- Hucknall Farm it is still on the market, not off the market as stated by the applicant
- It would be an incongruous and prominent feature in the landscape that would cause significant harm to the character and appearance of the landscape.
- the applicant intends to apply for a permanent dwelling in 3 years time if the business is viable. This would radically increase the scale of the development thus adding substantially to the already intrusive nature of the building on the Green Belt.
- At no other time has there ever been a building on this part of the Green Belt.
- no justification for a temporary or permanent dwelling to be situated on this beautiful and unspoilt part of our Green Belt countryside
- The temporary building will at a future date become permanent.
- The land is green belt, which if planning is allowed, will set a precedent for other buildings to be built on green belt land.
- There is other available housing in the area.

- Mr Wharfe senior already owns a farm in Whitehouse Lane, Plumley. This farm has a number of buildings that he no longer uses for agricultural purposes and he owns significant acres of land around the farmhouse. Why not develop it on this land, near his own house?
- This is green belt land on which a house should not be built
- The smell from hen manure is foul – no matter what modern methods are employed. Piles of rotting excrement attract vermin and insects.
- The chickens do scratch the earth bare. If allowed, the site will be a visual eyesore
- The roof extract fans will be noisy.
- the proposed landscaping will take a very long time (at least 10years) to have the necessary effect
- Impact on flora, fauna and wildlife
- Air Pollution and associated risks to the health and wellbeing of the local residents and community at large
- Commercial viability of the proposals
- blot on the landscape and bring environmental risks
- risk that the business would not succeed. If so there would be the unwelcome precedent of a substantial unused / empty building and a temporary / permanent dwelling left on Green Belt land
- out of character with the local area and would be detrimental to the standard of life of local residents
- The introduction of industrial farming is at odds with present dairy and horticultural use.
- unit is probably unviable in face of falling egg prices and competition from larger established units
- The unit would lead to a diminishing of amenity for residents and visitors to the area through visual, sensory and aesthetic damage to landscape.
- if this was to proceed everybody who had any type of business would quote this as precedent for purchasing Greenfield, a small industrial unit or office and then a dwelling.
- traffic increase
- blatant disregard for green belt
- dramatic impact on badgers, newts, birds
- site "a jewel in the crown"
- egg production reaching saturation point
- wonderful views to toft woods
- hygiene/pollution, road usage/damage
- impact on village school and children who play out
- prefer to see housing on site rather than egg farm
- expansion of unit in the future
- egg sales have slumped dramatically as people cut them out of their diet more and more
- how long the business will run once it is open
- will become in time just another run down empty building
- attract rats/vermin
- additional housing in Green Belt
- whole of Lower Peover badly affected

A number of the comments are submitted as one set of comments relating to both schemes and appear to raise issues mainly associated with application ref: 10/2729M.

Letters of support:

3 sets of correspondence have been received in support of the application, the main points raised were:

- Projections in egg supply and market demand by the British Egg Industry Council conclude that the demand for free range eggs will continue to increase in the UK.
- market analysis suggests that the current average egg price can still support a viable business for a flock of 12,000 hens provided it is well run and efficient.
- Significant factors in this conclusion are the 2012 ban on conventional battery cages within the EU, 21% of UK egg currently being imported from Europe and supermarkets switching to free range only eggs.
- The WHO and many other organisations are stating that world food production will have to double by 2050.
- Tabley golf course has been constructed and everyone has been more than happy with it. It has not been the eyesore which was feared by so many, the clubhouse has not become the den of iniquity that was also feared
- the applicant, has been serving as a Captain in the 'Black Watch' an elite infantry division, he was commended for his courage, also commended for his professionalism
- free range egg production is just about the most benign system of farming; little or nothing in the way of chemicals are used, no heavy, noisy machinery, many new trees and hedges will be planted. A new rural business will be a great asset to the local economy.
- growing opposition to battery cage egg production
- the applicant has researched this thoroughly, sited it as far away from any dwellings as possible, and done everything possible to improve the environment
- the applicant wouldn't do anything either irresponsible or harmful to those around him
- young family living and working in the parish will surely be an asset to the community, rather than yet another who use the parish as a commuter base

APPLICANT'S SUPPORTING INFORMATION

Accompanying the main application and plans were Appendices' outlining: the 'Typical Daily Routine', Property Sale Prices, DEFRA Code of Recommendations for the Welfare of Livestock – Laying Hens, an assessment of the existing agricultural workers dwelling at Hucknall Farm, Job Specification, copy of a letter sent to the neighbours, a Letter from Lakes Free Range Eggs.

A Design and Access Statement Tree Survey & Method Statement, an Agricultural Appraisal and two Business Plans (one of which was not for public view at the applicants request). The supporting information is fairly extensive and can be viewed in detail on the application file/online.

The crux of the statements are that the only viable and feasible option is developing the business and associated dwelling on agricultural land that is occupied freehold and constructing a new specialist modern building and dwelling for the manager.

Without the manager living within sight and sound of the hen house the business cannot ensure the welfare of the hens, their protection from stress and fear and therefore the performance of the business. The functional need, financial test and business viability have been satisfied. Research has identified a packer/distributor interested in entering into a trading contract to take eggs from the intended unit.

The bungalow at Hucknall Farm has been investigated as an alternative but the property is out of sight and sound of the hen house.

OFFICER APPRAISAL

Key Issues

The main issues surrounding the determination of this application are the impact of the proposed development upon residential amenity, highway issues, the impact upon the character and appearance of the countryside as well the impact on 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 temporary workers dwelling on the site.

National & local policy guidance state that genuine agricultural uses are acceptable in principle in the open countryside.

Principal of development

The basic policy premise is that new development in the countryside should be restrained. Consequently paragraph 1 of Annex A of PPS7 indicates that agricultural workers will normally be expected to live in existing accommodation or in towns and villages close to their place of work and only where an agricultural business has an essential need for a worker to be more closely on-hand will this premise be re-examined and set aside. The paragraph also notes that whether the need to live on site is essential will depend on the needs of the enterprise concerned, and not on the personal preferences or circumstances of the individuals involved.

Consequently, PPS7 sets out a series of functional and financial tests to establish whether it is essential for a worker to live at or very close to their place of work, and that the associated farming circumstances are genuine and sustainable.

Where on-site accommodation is required to support a new farming activity on a newly created or established agricultural unit, this is normally provided in a temporary facility to enable the sustainability of the enterprise to be demonstrated, they should satisfy the following criteria

- clear evidence of a firm intention and ability to develop the enterprise;
- functional need – essential for the operation of the enterprise to have a worker readily available;
- clear evidence that the proposed enterprise has been planned on a sound financial basis;
- the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;
- other normal planning requirements, for example siting and access, are satisfied.

This approach is supported by Policy DC24 of the Macclesfield Borough Local Plan.

Taking those criteria one by one:

Evidence of a firm intention and ability to develop the enterprise

The evidence of the intent and ability of the applicant outlined in the supporting documentation to deliver the proposed free-range egg enterprise comprises:

- the availability of the land;
- the submission of a planning application for the relevant building;
- an expression of interest from a egg packer/distributor company in offering a contract to receive the intended output;
- the professional backgrounds of Mr Wharfe and his wife and the evidence of the planning of the project.

In terms of ability, the applicant does not have any previous experience of free range egg production, however Mr Wharfe and his wife have professional qualifications and experience in rural estate management and marketing relevant to the development of the enterprise. This has been demonstrated effectively in the planning of the enterprise and is evident from the material submitted in support of the applications for both the agricultural building and the dwelling.

The view of the Independent Agricultural Consultant instructed by the Council is that there is no identifiable reason to question the intent and ability of the applicant to deliver the proposed development.

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. The need to respond to animals requiring essential care at short notice is cited as an example of such a circumstance (paragraph 4 Annex A PPS7).

The Government guidance on animal welfare emphasises the responsibility of those looking after animals to meet five basic needs: freedom from thirst, hunger and malnutrition; the provision of appropriate comfort and shelter; the prevention, or rapid diagnosis and treatment of, injury, disease or infestation; freedom from fear; and freedom to display most normal patterns of behaviour.

The DEFRA welfare code specific to laying hens states: "No person should operate or set up a laying hen unit unless the welfare of all the birds can be safeguarded. This can be achieved by ensuring that the buildings and equipment, and the skills and ability of the flock-keeper, are appropriate to the husbandry system and the number of birds to be kept."

Despite the ability to range, the birds will, for the majority of the day, be confined within a building where they are entirely dependent upon human intervention in terms of their environmental conditions and security. Failure of automated environmental systems needs to be identified quickly and rectified, as does any fire hazard. The birds need to be protected from predators or unexpected disturbances which might cause large scale panic resulting in smothering.

Part of a recent appeal decision states: "it is the unpredictability of the response of the chickens to unexpected incidents that would appear to pose more threat to their welfare. Incidents from as serious as predators accessing the unit to as simple as the back-up generator starting up or aircraft flying overhead could prompt a panic incident which, if not dealt with within a matter of minutes, could result in the partial or full loss of the flock."

The independent Agricultural Consultant advises that it is not only these emergency situations, but also the general welfare obligations stated in the DEFRA code of practice, which can only be satisfactorily addressed if there is a key worker readily available at most times.

The Annex A guidance requires that if the general premise of a requirement for a readily available worker has been accepted, consideration should be given to the number of workers needed to meet it.

Regarding man hours for the proposed building, the applicant's agricultural appraisal concludes that the requirement will be for at least two full time workers. The Council's independent appraisal finds the requirements to be closer to three full time workers; as such the ready availability of the key stockman will be critical to the enterprise being realised and succeeding.

Given this evidence it is accepted that a worker would need to be readily available to supervise the scale and nature of the proposed enterprise at most times and the functional need has been met.

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

New enterprises need to show 'clear evidence' that an enterprise is planned on a sound financial basis. There is no definition of financial soundness or viability in the planning guidance.

The Annex A guidance requires that local planning authorities take "a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned". The Independent view from the Council's Agricultural Consultant is that a business should give its principals a realistic return to their labour and move towards a position of being able to sustain permanent accommodation. The Consultant has compared the figures presented in the submitted business plan with standard economic data in The John Nix Farm Management Pocketbook and the Farm Business Survey of Poultry Production in England and concludes that the factors used are realistic. Furthermore it is understood from the appraisal submitted in behalf of the applicant that the Business Plan has been approved by the applicants bank as a basis on which it is prepared to fund the development of the enterprise.

As such it is concluded that the proposed enterprise has been planned on a sound financial basis.

The functional need could not be fulfilled by another 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 preference it is about providing new residential accommodation only where the needs of the enterprise require that workers to be readily available on the site for it to function.

Currently the site is an undeveloped landscape devoid of any farm or agricultural buildings. It is noted that within a kilometre of the site are a small number of properties associated with the existing communities of Smithy Green and Lower Peover. An internet search of currently available 2/3 bed properties revealed asking prices starting at around £170,000/£199,000 respectively. Notwithstanding the issues of suitability to provide for the relevant agricultural worker, the Council's Consultant found that these are property values which exceed the realistic purchasing ability of the proposed farm business as a start-up cost.

This is the test that the case officer has been most concerned about during pre-application discussions given the proximity of an existing Agricultural workers dwelling. Some 800m to the north of the application site along Ullard

Hall Lane lies Hucknall Farm. This has an adjoining property, 'Four Winds', which is a two bedroom dormer bungalow subject to an agricultural occupancy condition, which is currently for sale - with a guide price of £200,000. The applicants supporting information outlines that consideration has been given to this property but that it has been dismissed on the grounds that it is unsuitable due its being out of sight and sound of the proposed poultry unit, unsatisfactory as appropriate living accommodation and not available.

It is very rarely the case that an existing agricultural dwelling is available coincidentally with an expressed need for a new dwelling and in such close proximity. Where such occasions present themselves, they reflect the very reason for which the agricultural occupancy condition was devised, namely to maintain the availability of properties to meet the long term needs of agriculture in any locality and to reduce the need for continued sporadic residential development in the countryside. Accordingly careful thought needs to be given to the ability of this property to meet the needs of the applicant irrespective of some of the deficiencies he raises. Appropriate remote monitoring and alarm arrangements could enable a worker to be alerted to emergency or impending difficulties at the production unit and the response time, given that Ullard Hall Lane provides a direct route, would be very short. There are no existing properties closer to the application site which could provide any better supervisory base for the proposed enterprise.

Members should be aware of a recent appeal decision within Cheshire East Borough Council for the provision of temporary accommodation for an agricultural worker on a proposed free-range egg unit. The Council refused permission for the siting of a mobile home on a proposed 7000 bird unit near Nantwich. One of the reasons for refusal was that the authority considered the applicant had failed to demonstrate that the functional need could not be met by existing property in the area. The Inspector did not support the Council's reasoning and the appeal was allowed. The Inspector noted that there was other accommodation available which takes less than five minutes to drive to, however, none would satisfy the functional need for a worker to be readily available at most times. The Inspector concluded: *"From the evidence before me I am satisfied that it is essential for the needs of the enterprise that a full-time worker lives within site and sound of the egg production unit and that there are no suitable existing dwellings which would satisfy that requirement. I therefore conclude that the functional need for the development could not be fulfilled by existing accommodation in the area..."*.

This application is for a unit for 12,000 hens, 5,000 more than the site in Nantwich. Given that the proposed unit in the current case is larger with commensurately higher levels of potential losses, and that the Inspector in the appeal case was not satisfied that the response times of less than five minutes represented an acceptable level of ready availability, it is considered that the appeal decision is a material consideration in assessing the relevance of 'Four Winds'.

Furthermore the agents confirmed to the case officer on 13th September 2010 that 'Four Winds' was currently 'under offer'.

The Council's Independent advisor concludes therefore that, on balance, no suitable and available alternative accommodation exists in the locality from which to deliver the appropriate level of management.

Other normal planning requirements are satisfied.

Landscape & Visual Amenity

The Landscape Officer concludes that the siting, scale and design of the dwelling would not have a significant visual impact on footpaths, roads or residential properties in the vicinity.

The colour of the building is important in order to minimise the visual impact in the landscape. Darker shades of green or brown would be preferable this can be controlled by condition.

Materials for the access drive and parking area should be submitted for approval. Gravel or a similar loose material that is easily removable would be appropriate.

The boundary treatment along the non-permanent eastern and southern boundaries of the curtilage should be in keeping with the rural setting and be easily removable. For example, post and rail fencing would be appropriate.

There is a recently planted hedge along the Ullard Lane boundary. Additional trees are proposed in this roadside hedge. The proposed trees would provide some screening for the temporary building and would enhance the area. The species, sizes and numbers for the proposed trees should be submitted for approval. As the dwelling would be temporary it is not necessary or appropriate to create a landscape setting and so further landscape works are not required.

It is concluded, therefore, that the dwelling does not raise significant concern in terms of landscaping or the wider character of the area.

Highways

The Strategic Highways Manger raises no objection to the scheme subject to conditions.

The proposed temporary dwelling is to be used in conjunction with the adjacent Free Range Egg Farm site; the proposed access is of a satisfactory design and provides 2 off-street parking spaces and a turning facility. There is a requirement to provide visibility at the access point 2.0m x 45m, this can be achieved and secured by condition.

In light of the above and as the visibility splays required can be controlled by condition the proposal is not considered to raise significant concern in terms of MBLP Policy DC6.

Forestry

The Arboricultural Officer's comments are awaited, however, it is not anticipated that significant concerns will be raised given the extensive advice provided by the officer during the pre-application stages. Any comments received will be provided to Members in either an update report or directly at Committee.

Design

The mobile dwelling is considered to be designed for purpose and would be sited in close proximity to the proposed poultry shed. Given its temporary nature it is not considered that the design of the proposal would form a reason for refusal in terms of policy BE1 or DC1.

Residential Amenity

Policies DC3 & DC38 seek to ensure the protection of the amenities of residential properties in the vicinity of the site. The nearest farm holding is Plumleylane Farm situated around 200m to the east of the proposed workers dwelling. Other properties on Ullard Hall Lane (Glengarry House & Sandhole Cottage) are located approximately 390m to the southeast and the properties which make up the hamlet of Smithy Green (to the south) are in excess of 460m away.

Although noting the objectors concerns, given the significant separation distances involved the proposal is not considered to raise significant amenity concerns as the proposal would not have a detrimental impact upon residential amenity that would warrant the refusal of this planning application.

Policy DC3 also seeks to protect residential amenity from noise, smells and hazardous subsidence's.

The Environmental Health department do not object to the application subject to conditions and informatives being attached to any approval. The conditions relate to details of the proposed foul and surface water drainage, controlling the temporary time frame. The informative is a reminder to the applicant should the temporary dwelling be approved it will be required to be licensed.

The Officer responsible for Contaminated Land recommends conditions regarding phasing reports as the application is for a new residential property which is a sensitive end use and could be affected by any contamination present.

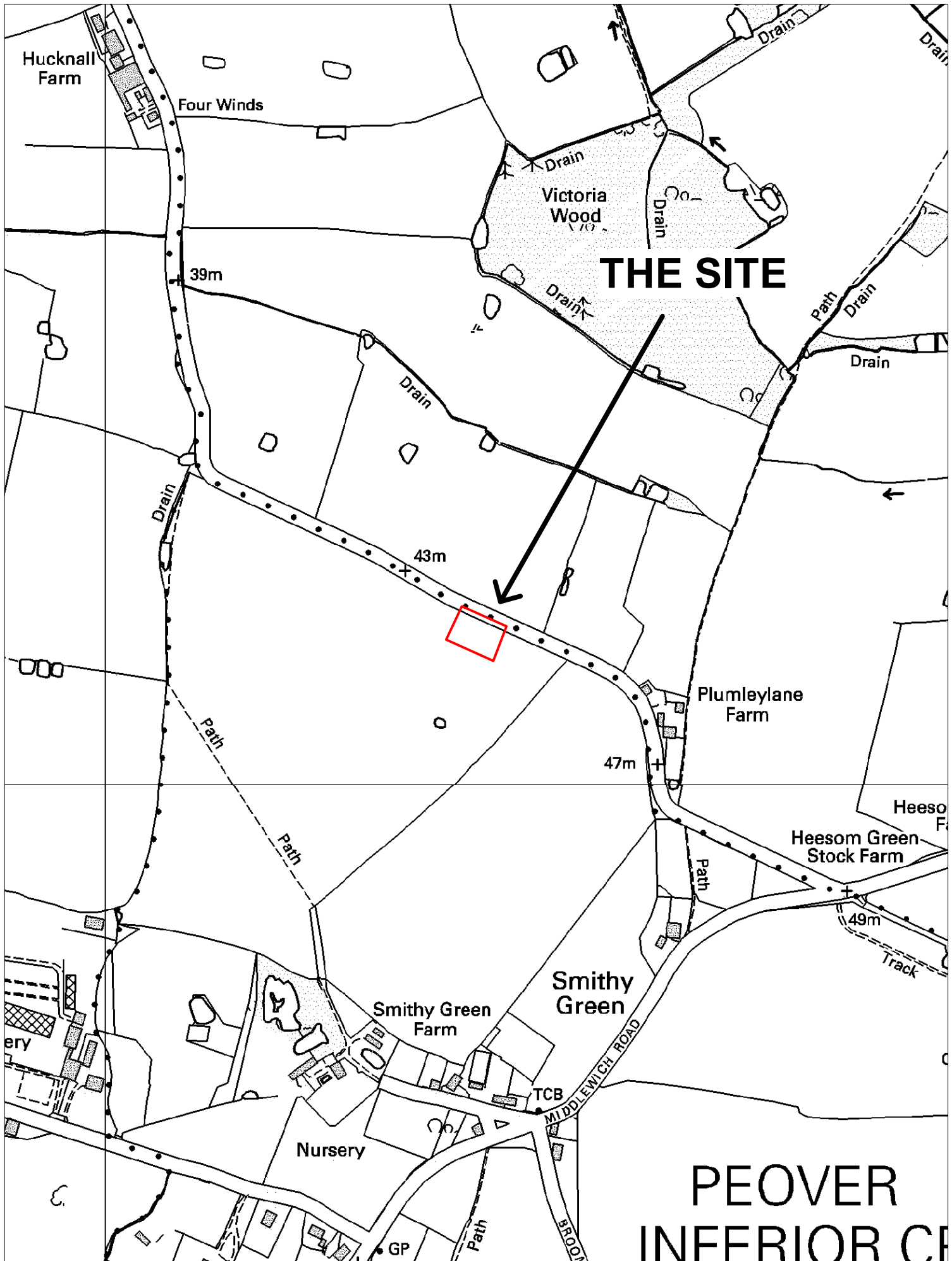
Although noting the objectors concerns in relation to these matters no objection is raised by the Environmental Health Department subject to conditions which could be imposed if Members were minded to approve the application.

Ecology

The Councils Nature Conservation Officer does not anticipate there being any significant ecological issues associated with the proposed development as such no policy concern is raised in terms of NE11.

CONCLUSIONS AND REASON(S) FOR THE DECISION

For the reasons given above and having regard to all the matters raised, it is concluded that the proposal has satisfied the functional and financial need requirements of PPS7 and local plan policy DC24. As such the application is recommended for approval subject to conditions.



10/2744M - LAND AT, ULLARD HALL LANE, PLUMLEY, KNUTSFORD
 N.G.R. - 374,400 - 375,160

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Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A11EX - Details to be approved
6. A03HA - Vehicular visibility at access (dimensions)
7. A03LP - Temporary buildings
8. A09LP - Agricultural occupancy
9. A12LS - Landscaping to include details of boundary treatment
- 10.A01GR - Removal of permitted development rights
- 11.A01AP - Development in accord with approved plans
12. Contaminated Land - Phasing reports
13. foul and surface water drainage
14. surface water drainage