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| <b>Planning Reference No:</b>        | 09/3286C  |
| <b>Application Address:</b>          | Holly House Farm, Middlewich Road, Cranage, Cheshire, CW10 9LT  |
| <b>Proposal:</b>                     | Erection of agricultural building and hardstanding for the farming of suckler cows and calves. Erection of agricultural workers dwelling. |
| <b>Applicant:</b>                    | Mr & Mrs Ross Yarwood   |
| <b>Application Type:</b>             | Full Planning   |
| <b>Grid Reference:</b>               | 373436 368967   |
| <b>Ward:</b>                         | Congleton Rural   |
| <b>Earliest Determination Date:</b>  | 4 <sup>th</sup> January 2010  |
| <b>Expiry Dated:</b>                 | 23 <sup>rd</sup> February 2010  |
| <b>Date of Officer's Site Visit:</b> | 26 <sup>th</sup> January 2010   |
| <b>Date Report Prepared:</b>         | 27 <sup>th</sup> January 2010   |
| <b>Constraints:</b>                  | Open Countryside  |

## **SUMMARY RECOMMENDATION**

**Refuse**

### **MAIN ISSUES**

**Impact of the development on:-**

- The impact upon the character and appearance of the Open Countryside
- Whether there is a functional and financial need for an agricultural workers dwelling
- Protected species
- Highways implications

## **1. REASON FOR REFERRAL**

This application is referred to the Southern Area Planning Committee as it involves development that exceeds 1000sq.m.

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

The application site is located on the northern side of Middlewich Road within the Open Countryside. Holly House is a traditional red brick former farm house and the former modern and traditional agricultural buildings on the site have been converted to various employment units (offices and workshops). The application site for the agricultural workers dwelling is a grassed area of land which is enclosed to the south and west by trees and hedgerow which screens the development from Middlewich Road, the site also contains the footings of an approved office building on this site (approved under application 36397/3). The site of the proposed agricultural building is located to the north of the complex on part of an agricultural field. A hedgerow and line of trees are located between the site of this building and Holly House Farm complex.

### **3. DETAILS OF PROPOSAL**

This is a full planning application for the erection of an agricultural workers dwelling and detached double garage and the erection of an agricultural building which would house suckler cows and calves. The agricultural workers dwelling would have a footprint of 216sq.m and contain 4 bedrooms.

### **4. RELEVANT HISTORY**

37792/3 – Conversion of former agricultural machine shed to commercial use including workshop area, offices, storage and loading area – Approved 13<sup>th</sup> October 2004  
36627/6 – Renewal of planning permission for residential caravan – Approved 19<sup>th</sup> December 2003  
36397/3 – Construction of two storey office building with associated car parking – Approved 17<sup>th</sup> October 2003  
35371/3 – Construction of two storey office building with car parking – Approved 17<sup>th</sup> February 2003  
99/0011/AGR – Model determination in respect of the proposed new agricultural machine shed – Prior Notification Not Required 17<sup>th</sup> November 1999  
30503/6 – Renewal of planning permission 25851/6 for residential caravan – Approved 30<sup>th</sup> November 1998  
29373/3 – The alteration and extension of a redundant farm building to provide office accommodation – Approved 9<sup>th</sup> September 1997  
28462/3 – Change of use and conversion of existing farm buildings to office use – Approved 17<sup>th</sup> December 1996  
28185/3 – Conversion of disused farm buildings to office (B1A) and use of ground floor for mail order business – Approved 11<sup>th</sup> June 1996  
28184/3 – Conversion of disused farm building to office (B1A) accommodation – Approved 11<sup>th</sup> June 1996  
25851/6 – Renewal of permission for residential caravan – Approved 25<sup>th</sup> January 1994  
24386/3 – Conversion of redundant agricultural cubicle building to form units for light industrial use – Approved 15<sup>th</sup> November 1994  
24101/3 – Conversion of redundant agricultural buildings for storage – Withdrawn 20<sup>th</sup> March 1992  
21664/3 – Conversion of disused farm buildings to office accommodation – Approved 27<sup>th</sup> June 1990  
21493/6 – Renewal of permission for residential caravan – Approved 3<sup>rd</sup> October 1989  
21253/3 – Conversion of disused farm buildings to office accommodation – Refused 22<sup>nd</sup> August 1989  
17024/6 – Renewal of permission for siting of residential caravan – Approved 13<sup>th</sup> August 1989  
16787/3 – To erect 11kv and 1.v. overhead lines supported by wood poles – Deemed consent – 19<sup>th</sup> June 1985  
15209/6 - Renewal of permission for residential caravan - Approved 2<sup>nd</sup> August 1983  
13360/6 – Renewal of permission for residential caravan – Approved 11<sup>th</sup> August 1981  
11458/1 – Residential caravan for herdsman – Approved 8<sup>th</sup> July 1980

### **5. POLICIES**

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Congleton Borough Local Plan First Review 2005.

The relevant development plan policies are:

## **Regional Spatial Strategy**

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

DP7 – Promote Environmental Quality

RDF2 – Rural Areas

## **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

PS8 – Open Countryside

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 Statement 7 (Rural Areas)

Planning Policy Statement 9 (Biodiversity and Geological Conservation)

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

**Environmental Health:** Suggest conditions in relation to contaminated land, hours of operation and pile driving

**Strategic Highways Engineer:** No objection

**Environment Agency:** No objection

**Ecology:** Do not anticipate there being any significant adverse ecological impacts associated with the proposed development.

**Public Rights of Way:** No comments received

**United Utilities:** No objection

**Jodrell Bank:** No comment

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

Generally no objection but do make the following comments 'this does meet the requirements of PPS7 regarding the need or viability with regard to the development of agricultural dwelling. This appears to be a new business although expansion of interest there already. Financial viability based on existing contracting business, new business not established 3 years at least, therefore not a clearly established existing functional need.

## **8. OTHER REPRESENTATIONS:**

No representations received

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

### **Design and Access Statement produced Architectural Design**

- The dwelling is intrinsic to the farming usage and incorporates a farm office and showering/cleaning/drying facilities within it
- The proposed dwelling occupies a footprint of 216sq.m and the agricultural building occupies a footprint of 797sq.m
- The shed has been located so as to take advantage of natural screening from the adjacent estate buildings. It has also been located near to an existing agricultural access from the estate to facilitate easier access between the new building and an existing farm workshop
- The dwelling is proposed within an area of brownfield land within the estate, which is currently occupied by the foundations of an approved office building; a project which has been cancelled due to lack of demand
- The house and shed make use of existing roadways and access points to minimise the necessity for new hardstanding areas.
- The house is well screened from public vantage points
- The house will also help to increase the overall security of the estate
- The house is proportioned to suit an oak framed timber construction
- The roofline and massing of the house is broken up to reduce its visual impact upon the site
- Detailing and the proposed facing materials used within the house construction make reference to the original farmhouse on the other side of the estate
- The shed will be constructed as a steel portal frame clad in timber to the upper part and with concrete block walls at plinth level which is appropriate to the agricultural usage and the sites rural setting
- On site traffic for the agricultural enterprise will be little affected by the proposals although there will be periods of additional transport movement when cattle are being shipped from/to the site. However this should be off set by the reduction in other agricultural traffic which in recent times has been generated through the growing of potatoes and turf on the land
- Additional traffic movement will be generated by the new dwelling although this should be fairly minimal. The proposed live/work situation will help minimise traffic movement.

### **Agricultural Appraisal produced by David Hughes Agricultural Consultancy Ltd**

- Ross Yarwood has been granted a 25 year Farm Business Tenancy (FBT) on a block of 100 acres of Grade 2 land situated at Holly House Farm, Cranage. He established his own farm contracting business in 2000 as a means of growing his net worth. He has always wanted to farm in his own right and has now been given the opportunity of developing his own farming business courtesy of the new FBT alongside his contracting activities
- The contracting business has always been profitable and the applicant is prepared to utilise the available cash flow to expand his farming business
- The applicant plans to establish a herd of 100 suckler cows that will be managed on a simple grass based system. The suckled calves will either be sold as store at around 11-13 months or finished at 15 months depending on market conditions
- The land has been rented with the benefit of some general purpose buildings that will provide workshop and storage space, but there is a need for a portal framed building capable of housing the 100 suckler cows plus calves

- As soon as planning consent is gained for the proposed cattle building, Mr Yarwood will purchase either mature suckler cows and/or bulling or in calf heifers
- The labour requirements show that there is a theoretical requirement for 280 standard man-days per annum. On this basis the theoretical need for this farm would be 1 full-time worker
- There is no dwelling within the FBT but it is clear that one would be required in order for Mr Yarwood to develop the proposed business. There is a 'temporary workers dwelling' at the adjacent Holly House Farm which has been in existence for at least 40 years. This is however situated outside Mr Yarwood's tenancy and is not available to him. In any case if it were available it would not provide the suitable accommodation that Mr Yarwood will require in order to manage the enterprise. Mr Yarwood currently lives with his family in his own house in Holmes Chapel some 2-3 miles away from the land
- There are no other dwellings available to Mr Yarwood within site and sound of the new livestock enterprise. It is therefore proposed to erect a new agricultural workers dwelling on the land adjacent to the cattle housing
- With an average of 100 head of breeding cattle on the farm, adequate on site supervision is essential to ensure compliance with the statutory obligations under the current codes of Practice for Animal Welfare and the National Beef Farm Assurance Scheme. The 100 calving cows together with their calves that will be reared each year require close attention at all times. Current regulations state that cows and heifers due to calve must be observed at six hourly intervals
- Security of farms and farm buildings is an increasing problem with the recent substantial increase in rural crime. The proposed dwelling will be sited in close proximity to the farm buildings and will therefore provide additional security cover
- There is no question that there is a functional need for a key worker to live within sight and sound of the livestock. The nearest available dwellings are located in Byley village or Cranage. None are available within sight or sound. There are no redundant buildings on the farm that are suitable for conversion to a farm dwelling
- The farm contracting business has been operational for a number of years and is clearly well established. It has a substantial capital base and examination of recent audited accounts confirms that it is both profitable and sustainable
- The budgeted financial results will be more than adequate to justify the proposed herd expansion and additional farm dwelling. Being currently profitable and with a strong probability of remaining so, this business clearly meets the requirements of the financial test as set out in PPS7.

### **Phase I Land Contamination Desk Study produced by Geocon Site Investigations Ltd**

- The potential for contamination to have occurred on the site is possible due to the infilling of a former pond on the site and from any made ground arising from the construction of the adjacent Holly House Farm
- It is considered to be very unlikely that the site would be classified as contaminated land under Part IIA of the Environmental Protection Act (EPA) 1990
- The geological map for the area indicates that the site is underlain by glacial sands and gravels overlying glacial clay all underlain by mudstones with a small area in the south of the site where the sand and gravel is not present and the site is situated upon glacial clay. The sand and gravel is permeable strata and therefore could provide a potential migration pathway for any hazardous ground gases at the site to migrate into any proposed structures
- The likelihood of any hazardous ground gasses being present at the site is considered to be low to moderate due to the former pond on the site which has been potentially filled with unknown materials which have the potential to generate ground gases

- The risk to surface waters is considered to be low however there is potential for risk due to the possibility of made ground at the site and the underlying sand and gravel acting as a potential pathway for migration
- The risk to drinking water and the underlying minor aquifer is considered to be negligible. There are no drinking water abstractions within 2000m of the site
- It is therefore recommended that a Phase II Geoenvironmental site investigation is carried out

## 10. 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 an agricultural worker's dwelling on the site.

### Policy Requirements of Agricultural 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 agricultural 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.

The supporting statements provided on behalf of the applicant refer to the applicants existing farm contracting business. This is a separate business of the applicant which does not create a functional need or justify a new dwelling. The permanent agricultural workers dwelling is therefore contrary to PPS7 which states that '*new permanent dwellings should only be allowed to support existing agricultural activities on well established agricultural units*'.

For permanent agricultural dwellings in the open countryside PPS7 requires that 5 tests are met. The assessment of this application against these tests is shown below;

- i) '*There is a clearly established **existing** functional need*' – This point has not been met as there is no existing functional need at the site. The applicant has stated that the proposed functional need has been met by the proposed herd of 100 suckler cows. This is mainly due to work associated to the welfare of the cattle and calves when giving birth which includes observing cows and heifers at six hourly intervals when they are due to give birth. However it is not accepted that this indicates a functional need as guidance given by Reading Agricultural Consultants on training events indicates that the number of suckler cows which equate to a full time worker is 200 suckler cows. Furthermore the set calving period of either 'spring' or 'autumn', would result in intensive activity for short periods of the year only when the cows and calves would need extra care. Although a proposed dwelling on the site would make life easier for the applicant and allow them to

be more readily on hand for times of calving, there is no convincing evidence to prove that it would be essential for the proper functioning of the holding or welfare of the cattle.

It should also be noted that within the agricultural appraisal submitted for this application a theoretical assessment of the labour requirements for the unit has been provided. However this can only be given little weight as although the theoretical assessment suggests a lot of activity it does not indicate the amount of time spent in areas of activity requiring the ready availability of a worker at most times.

The applicant has referred to the security of the site being a reason to justify a dwelling. However this is not considered to be central part of the functional need and this issue could be addressed by security measures at the site.

ii) *'The need relates to a **full-time** worker, or one who is primary employed in agriculture and does not relate to a part-time requirement'* – It is unclear whether this test has been met. The budgets include income from the existing contracting business which equates to 50% of the income from this element in 2008. As there is no information to indicate otherwise it could therefore be assumed that the applicant intends to carry on with the contracting business and the needs would not relate to a full time worker.

iii) *'The unit and agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so'* – This financial test gives 4 requirements which are required to be met to justify a permanent dwelling on the site. As already stated above the proposed suckler herd would create a new farming unit and the agricultural activity has not been established for 3 years or been profitable for at least one of them or would be currently financially sound. The supporting information makes reference to the applicants contracting business but this would not form a part of the agricultural unit. As a result the requirements of the financial test have not been met. Any future application for a temporary dwelling would need to include *'clear evidence that the proposed enterprise has been planned on a sound financial basis'*.

iv) *'The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned'* – In terms of other existing accommodation in the area the supporting information provided by the applicant states that there is a functional need for a worker to live within sight and sound of the livestock. As the functional test has not been fully met it is considered an exploration of alternative dwelling in the area will be required.

Furthermore there are a number of traditional barns on the Holly House Farm complex which is owned by the applicant's father which have been converted to office use. No information has been submitted to indicate whether these are occupied for the long term and whether any part of these units could be converted to residential use to meet this requirement of PPS7.

v) *'Other planning requirements, e.g. in relation to access or impact upon the countryside are satisfied'* – This issue will be addressed separately below.

It is important that agricultural workers dwellings are of a size that could be justified by the functional requirement to ensure the continued viability of maintaining a property for

its intended use. In this instance it is considered that the proposed dwelling is of excessive size. The proposed dwelling has a footprint 216sq.m, four double bedrooms, 3 bathrooms and a double garage, the elaborate design would also mean that the dwelling would be too costly to construct and would be contrary to PPS7 which states that *'Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted'*.

The 25 year Farm Business Tenancy (FBT) granted to the applicant and the proposed suckler herd represent a newly created agricultural unit and as a result temporary agricultural workers dwelling for a period of 3 years should be applied for (this will then be considered using the requirements for temporary agricultural dwellings contained within PPS7). This is in accordance with PPS7 which states that *'if a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or 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'*. The principal of a permanent agricultural workers dwelling on this site is therefore unacceptable and contrary to PPS7.

## **Design**

The design and size of the dwelling is dealt with above, in terms of the proposed agricultural building it would be of a standard design for a modern agricultural building and would be sited along a tree lined hedgerow. It is considered that this siting and design of the agricultural building is acceptable.

## **Amenity**

The nearest residential properties are approximately 120 metres away and as result 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.

## **Contaminated Land**

A contaminated land survey has been produced as part of this planning application and the Environmental Health Department have raised no objection to the proposal subject to the use of a planning condition. As a result the proposed development is considered to be acceptable in terms of the issue of contaminated land.

## **Highways**

The Highways Authority has raised no objection to this proposal and as a result it is not considered that the proposed development would raise any highway safety/parking implications.

## **Trees**

The access to the proposed agricultural building would result in the removal of some small trees and a small section of hedgerow. It is not considered that this issue would warrant the refusal of this application as the vegetation removed is relatively young and adequate screening would be retained.



The site of the proposed dwelling and agricultural building are in close proximity to trees and vegetation, however the proposals would be clear of the canopies of these trees and they would not be affected by the proposed development.

### **Protected Species**

It is not considered that the proposed development would impact upon protected species. This view is supported by the Council's Ecologist.

## **11. CONCLUSIONS**

The proposed development relates to a newly created agricultural unit and a permanent dwelling should only be considered to support existing agricultural activities only. If a new dwelling is essential to support a new farming activity it should be provided by a caravan/mobile home. The supporting information does not demonstrate that the development would meet the functional and financial tests of PPS7 and the applicant has failed to demonstrate that the need relates to a full time worker and that the need could not be satisfied by the use of an existing building on the Holly House complex.

The proposal would not raise any implications in relations to residential amenity, trees, protected species, or highway safety.

## **12. RECOMMENDATIONS**

### **REFUSE**

**1. The proposed development relates to a newly created agricultural unit and the provision of a permanent dwelling should be considered to support existing agricultural activities only. Furthermore the proposed dwelling is considered to be overly large and expensive to construct. As a result the proposal would be detrimental to the character and appearance of the open countryside which should be protected for its own sake whilst the size and expense in constructing the dwelling. The development would be 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)**

**2. The Local Planning Authority considers that the applicant has failed to demonstrate that there is a clearly established existing functional need, that the need relates to a full time worker, that the functional need could not be fulfilled by another existing dwelling in the area or on the unit and that the development meets the financial test 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)**

