

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	04.09.2013		
Application Number	13/01781/FUL		
Site Address	Ellbridge Farm, Chalfield Road, Lower South Wraxall, Wiltshire		
Proposal	Temporary retention of agricultural workers timber chalet accommodation ( resubmission of planning application reference W/12/00396/FUL)		
Applicant	Mr Adam Tucker		
Town/Parish Council	South Wraxall CP		
Electoral Division	Holt and Staverton	Unitary Member:	Trevor Carbin
Grid Ref	386626 150182		
Type of application	Full Planning		
Case Officer	Victoria Hodgson		

### Reason for the application being considered by Committee

Councillor Trevor Carbin has requested that this item be determined by Committee should the application be recommended for refusal due to the local economy and length of time taken to consider the previous application.

### 1. Purpose of Report

To consider the recommendation that the proposed temporary retention of the agricultural workers dwelling be refused planning permission.

### 2. Report Summary

The main issues to consider are:

- \*Justification for an agricultural workers mobile home
- \*Impact on the countryside
- \*Servicing and road safety interests

### 3. Site Description

The application site is located in a field served by country lanes. It has two accesses onto the lane to the north. One is positioned centrally the other in the north-west corner and which has limited visibility.

The site includes a modern agricultural building granted planning permission in 2012, W/12/00393/FUL which replaced a redundant agricultural building previously on the site. There are a range of concrete block and timber buildings as well as a number of former

railway carriages. Immediately to the east of the buildings is a temporary agricultural workers dwelling and is the subject of this application.

The proposed dwelling is a one bedroom chalet forming a T shape located in the North East corner of the site. The building is constructed from timber. From an internal inspection, the dwelling includes a living room, kitchen, bathroom and one bedroom. Two of the sheds/former railway carriages are used for ancillary domestic storage the dwelling.

#### Farming Practice

The land is used by the applicant for their pork and lamb enterprise. The pigs are the main part of the business and are reared and kept on a low intensity outdoor system on the site whilst the lambs are transferred in as orphans and bottle reared until they are taken for sale. According to the submitted Agricultural Appraisal Report the applicant proposes an intensification of the existing pork enterprise.

#### **4. Planning History**

According to the information submitted the applicant started breeding and rearing pigs on the site in March 2010 and the following autumn constructed an unauthorised agricultural workers dwelling. In August 2011 Planning Enforcement Officers investigated the unauthorised use of the land (W/11/00138/ENF\_L). It is important to note that at the time of this investigation the dwelling was present on the site and small number of pigs on the land. At this time it was not evident that the applicant was involved in an independent agricultural enterprise other than that of the applicant's parent's long established agricultural business at a nearby farm. Although the applicant was keeping a small number of pigs on the land they were not involved with any agricultural operation as the animals were being kept as pets. The applicant submitted a retrospective planning application for 'Temporary retention of agricultural worker's timber chalet accommodation' on 5<sup>th</sup> March 2012, W/12/00396/FUL following the enforcement investigation. This application was delayed for eleven months during which time there were discussions over the agricultural justification for the residential accommodation as well as road safety issues. Whilst the road safety issues were largely resolved the agricultural justification was not and therefore the applicant withdrew the application on 28<sup>th</sup> February 2013.

West Wiltshire District Council provided pre-application advice in 2005 for a proposed dwelling on the land, W/05/01868/PDENQ and pre-dating this an application was refused for the erection of a dwelling (89/01619/OUT).

In 1985 an application was refused for the change of use from existing pig rearing unit to fish bait breeding (85/01021/FUL).

#### **5. The Proposal**

Under this application, the applicant seeks planning permission for the retention of the agricultural workers dwelling for a temporary period. The temporary agricultural workers dwelling is already positioned on site thereby resulting in this retrospective application.

The agricultural workers dwelling is T shaped with a footprint of approximately 63 square metres. It measures approximately 9.12 metres in length of which it has a width of approximately 4.94 metres for the first 6.13 metres, extending to a width of 10.89

metres for 2.99 metres (where it forms the T) and has a ridge height of approximately 2.31 metres. It is constructed of cedar timber weatherboarding under a plastic coated steel sheeting roof with stained timber doors and windows. It is serviced by a septic tank.

The proposal also includes blocking up the access in the north-west corner of the land with native hedge planting.

The sheds/former railway carriages used for domestic storage do not form part of the application site outlined in red).

The application is supported with a design and access statement and an agricultural appraisal which has been assessed by an agricultural consultant.

## **6. Planning Policy**

National Planning Policy Framework (NPPF)

Section 1 - Building a strong and competitive economy

Section 3 - Supporting a prosperous rural economy

Section 4 - Promoting Sustainable Transport

Section 6 - Delivering a wide choice of high quality homes

Section 11 - Conserving and Enhancing the Natural Environment

West Wiltshire District Plan First Alteration 2004

C1 - Open Countryside

C31A - Design

C32 - Landscaping

C38 - Nuisance

H19 - Development in the Open Countryside

H24 - New housing design

T10 - Parking

U2 - Surface Water Disposal

## **7. Consultations**

South Wraxall Parish Council: Objects because the Parish Council cannot see the justification for a dwelling on this site when the bulk of the business is on a site several miles away.

Wiltshire Council Highway Authority: No objection to the principal of an agricultural dwelling at this location if an economic/business viability can be satisfied, if that is not the case then an objection on the grounds of sustainability would be raised.

Initial comments received from the Highways Authority (prior to the agricultural consultant's assessment) stated that this site has been subject to previous planning applications and has had highway comments raised in relation to the proposal. At that time discussions took place with regards to improvements in the access to achieve a decent level of visibility. The records have been examined and the applicant previously supplied a speed survey which suggests that average speeds are around (top speed) 30 mph (though there are no details at that time that this was agreed by the highways officer). The current case officer is happy to agree that in relation to the speeds as suggested a visibility of 2.4m x 33m shown on the submitted plan) is acceptable.

In summary, I would be happy to accept the proposal subject to the visibility being conditioned, along with a properly designed and conditioned access, I shall also expect the North West second access to be fully stopped up from use.

Following receipt of the agricultural consultants assessment of the 'essential need' for the dwelling the Highways Authority now raise an objection to the proposal as the report shows that there is no economic viability, then there will be a highway objection on the grounds of sustainability.

Agricultural Consultant: The requirement for an essential presence will increase with the implementation of the proposed business. Based on the information supplied it remains my conclusion that I cannot give a clear indication that the proposed business has been planned on a sound financial basis.

## **8. Publicity**

The application was advertised by site notice and neighbour notification.  
Expiry date: 9 August 2013

No responses received at time of recommendation.

## **9. Planning Considerations**

### Justification for an agricultural workers mobile home

The current application for the agricultural workers dwelling is associated with the introduction of the new farm business operating on the land.

The temporary dwelling is already positioned on site thereby resulting in this retrospective application. The dwelling forms a T shape and is located in the North East corner of the site. It is constructed from timber.

The National Planning Policy Framework (NPPF) was introduced in 2012 and replaces all previous Planning Policy Statements (PPS), including PPS7 which provided clear advice on how applications for agricultural dwellings should be treated. It recognised that there are cases in which the demands of farming make it necessary and essential for one or more persons to live at or very close to the site of their work. Whether this is essential in any particular case depended on the needs of the farm enterprise concerned.

Paragraph 5 of the NPPF states that "local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as (*inter alia*) the essential need for a rural worker to live permanently at or near their place of work in the countryside". Although no guidance is given in the NPPF the "essential need for a rural worker to live permanently at or near their place of work in the countryside" can only be judged on an objective basis and necessarily involves a test of functional need. It is considered, therefore that although Annex A to PPS7 no longer forms parts of the policy as such, it nevertheless provides an appropriate way in which this issue should be approached.

With regard to the provision of temporary agricultural dwellings PPS7 specified that a

temporary structure should be either a caravan or a wooden structure which could be easily removed. These dwellings were permitted only where they satisfied the following criterion:-

- (i) providing 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);
- (ii) proving a functional need;
- iii) providing clear evidence that the proposed enterprise has been planned on a sound financial basis;
- iv) satisfying the Council that 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; and,
- v) other normal planning requirements, e.g. on siting and access, are satisfied.

Paragraph 12 (4) of Annex A of PPS7 stated that any proposed temporary agricultural dwelling proposal must meet a financial and functional test, which cannot "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..." PPS7 also required any applicant wishing to erect new housing in the open countryside to satisfy the Council that there is a clear functional need "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..."

PPS7 also stated within paragraph 13 of Annex A that the Council, as the local planning authority "should not normally give temporary permissions in locations where they would not permit a permanent dwelling".

If the proposal fails to satisfy the NPPF's requirement to prove 'essential need', the proposal would also fail to satisfy West Wiltshire District Plan Policy H19 (and paragraph 3.2.99) , which states that "new residential development in the open countryside is to be resisted and restricted to that required for the essential needs of agriculture..."

The *functional test* is necessary in order 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. This has been assessed by the agricultural consultant in their Agricultural Assessment of the Planning Application report. Their opinion is that the "essential need asserted by the applicant will only arise through the implementation of the business as proposed" but they advise "if the proposed business has not been planned on a sound financial basis then the business will fail and the authority would be left with a dwelling but no 'essential need' for its presence". Based on this assessment it is evident that the application fails to meet the *functional test* of criteria (ii).

The applicant's agent explains that in their opinion there is no requirement to demonstrate viability associated with a proposed business. However, evidence of this would be beneficial in order to justify the applicant's case. Whilst the agricultural consultant is of the opinion that "a proposed business must be demonstrably planned on a sound financial basis. That must mean that the projected returns exceed the projected costs. In this case, as with any other proposed business, the plan must be financially sound and it is wholly appropriate that it should be assessed on that basis.

As part of their assessment the agricultural consultant has assessed the financial basis

of the enterprise. Their findings demonstrate that the projected profit is very marginally in excess of the current full time minimum agricultural wage. In the previous application the agricultural appraisal advised that an overall labour requirement of some 2,700 hours, which is just under 1.5 full time units of labour, however the applicant now advises that through a revised arrangement over windfall produce the labour requirement has been reduced to some 2,221 hours which is in excess of one full time labour unit. The agricultural consultant is of the opinion that “given that the profit for the unit is projected as only fractionally ahead of the opportunity cost of one full time unit and the labour requirement remains in excess of one unit then the financial soundness of the proposed business remains questionable”. For these reasons it is considered by officers that Criteria (iii) is not met.

The proposal also fails to indicate whether there are any dwellings in close vicinity to the site which would serve the purpose of being close to the site and thereby does not meet criteria (iv).

The issues contained within criteria (V) relating to siting, etc. are discussed at a later point in this report.

Policy H19 of the West Wiltshire District Plan 2004 accepts the principle of providing essential agricultural workers a house on site. However the application has not provided a justification of the need of a dwelling on site. The Agricultural Holding is currently small scale which according to the submitted information and the newly constructed agricultural building indicates that the applicant wishes to enlarge the enterprise. Although this shows an indication of the holding being used it is not justification for a temporary agricultural workers dwelling as it fails to meet the functional or financial tests set out in Annex A of PPS7.

In their report the agricultural consultant concludes that “the requirement for an essential presence will increase with the implementation of the proposed business. Based on the information supplied it remains my conclusion that I cannot give a clear indication that the proposed business has been planned on a sound financial basis”.

Due to the above it is considered that the temporary dwelling is unacceptable as it fails to comply with the National Planning Policy Framework, Annex A of PPS7 and policy H19 of the West Wiltshire District Plan 2004 as the case has not been justified as to the need for a temporary dwelling in this location in terms of functionality, financial and explaining why other dwelling in the vicinity are not acceptable and therefore the proposal is considered to be unacceptable.

#### Impact on the countryside

As the need for a temporary agricultural workers dwelling has not been established it is necessary to assess the proposal and its impact on the open countryside.

The proposed dwelling due to its prominent position located on a hill has harmed the character of the area due to being located in an unsustainable location meaning that the proposal would be reliant on the car, and not in close proximity to facilities like shops and bus routes. This means that the proposal would impact on the character of the open countryside as additional traffic would impact on the setting of the area. In addition due to the position and design of the dwelling the proposal would be alien and fail to respect the character of the area and the spatial form the surrounding sporadic development. This is contrary to the Nation Planning Policy Framework and therefore

the proposal is considered to be unacceptable.

Servicing and road safety interests

The temporary dwelling is served by a substandard access and narrow lanes and located well outside of village policy limits. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport and would be reliant on the use of private vehicle, is contrary to both Local and National Policies which aim to promote sustainable development and which seeks to promote sustainable transport with fewer journeys. As such it is officer’s opinion that the proposal is unacceptable.

**10. Conclusion**

The proposed development fails to meet policy and in particular fails to meet prove an ‘essential need’ for and agricultural workers dwelling at the site. As a result officers recommend that the application be refused.

**Recommendation: Refusal**

1	The proposed temporary agricultural workers dwelling by reason of its position, size and lack of justification is considered to harm the character of the open contrary side. The justification provided does not provide a sound financial basis or a functional need for a dwelling to be on site. This lack of substantive evidence and the position of the dwelling, outside of village policy limits is considered to be contrary to the guidance of the National Planning Policy Framework (NPPF) and Policy H19 of the West Wiltshire District Plan First Alteration 2007.
2	The proposed dwelling by reason of its prominent position, design and size would be alien to its surroundings and would fail to respect the character of the area and the spatial form the surrounding sporadic development contrary to the guidance contained within the National Planning Policy Framework (NPPF) and Policy H19 of the West Wiltshire District Plan First Alteration 2007.
3	The dwelling is located outside the defined Housing Policy boundary in a location remote from services, employment opportunities and being unlikely to be well served by public transport. It would therefore be reliant on the use of private vehicle an increase the amount of traffic in the area. As such it is contrary to the requirements of the National Planning Policy Framework (NPPF) which seeks to reduce the need for travel, influence the rate of traffic growth and reduce the environmental impact of traffic overall in support of sustainable development.

<b>Appendices:</b>	
<b>Background Documents Used in</b>	

<b>the Preparation of this Report:</b>	
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