

REPORT TO THE WEST AREA PLANNING COMMITTEE

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| Date of Meeting | 16 October 2013 | | |
| Application Number | 13/02078/FUL | | |
| Site Address | Manor Farm, Upton Lovell, Warminster, Wiltshire, BA12 0JN | | |
| Proposal | Agricultural workers bungalow | | |
| Applicant | Manor and Auckland Farms | | |
| Town/Parish Council | UPTON LOVELL | | |
| Electoral Division | Warminster Copheap and Wylve | Unitary Member | Cllr Christopher Newbury |
| Grid Ref | 395043 141730 | | |
| Type of application | Full Planning | | |
| Case Officer | Jemma Boustead | | |

Reason for the application being considered by Committee

Councillor Christopher Newbury has requested that the application be called in to Planning Committee for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental or highway impact
- Car Parking
- To consider whether the agricultural justification compiles with the development plan policy

1. Purpose of Report

To consider the above application and to recommend that planning permission be refused

2. Report Summary

The main issues to consider are:

- principle of development
- design issues
- impact upon the immediate area
- impact on amenity
- highway and access considerations

3. Site Description

Manor Farm is an existing farm located in the open countryside.

4. Planning History

90/00178/OUT – Farmhouse – Refused 05/02/90

93/01476/FUL – Single storey agricultural workers dwelling – Approved 01/02/1994

03/01519/FUL – 3 Bedroom agricultural workers dwelling – Approved 13/11/2003

5. The Proposal

The proposal is to construct a detached bungalow to provide accommodation for a farm worker.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004 - C1 Countryside Protection; C2 Areas of Outstanding Natural Beauty; C31a Design; C38 Nuisance; H19 Development in Open Countryside

Advice contained in the National Planning Policy Framework (NPPF)

7. Consultations

Upton Lovell Parish Council – Support

Wiltshire Highways – The site lies outside the settlement boundary framework and therefore contrary to national sustainable transport policy guidance (as given in NPPF). However on the basis that the proposed dwelling is justifiable on agricultural grounds I would not wish to raise an objection to it.

Highways Agency – No Objections

Landscape and Planning Advisor for AONB – The proposed application is on high ground and appears on the photographs to be exposed to views from considerable distances. If you are minded to approve the application on policy grounds and a case has been sympathetically made on agricultural grounds than the AONB team would recommend that a significant landscape scheme needs to be implemented before the building is occupied.

Wiltshire Council Agricultural Consultant – There is no essential need for a third employee to be located on the farm to carry out the tasks identified. However, the provision of a dwelling will serve to improve the attraction and retention of a suitable employee. The likely costs of construction is capable of being met by the capital available to the farm business.

Wiltshire Fire and Rescue – Require a contribution of £76.13 to go towards delivering an operational and emergency response

8. Publicity

The application was advertised by site notice/press notice /neighbour notification. Expiry date: 20/08/13

No letters were received from the general public however when the Agent was advised that the recommendation would be one of refusal an additional letter was sent to the Local Planning Authority which made the following points:

- Agricultural Consultant employed by Wiltshire Council is neither supporting or objecting to the application
- I do not agree that with over 300 cows calving, the essential need for overnight checking can be reasonably met by one person living on site and one living off site. I can provide a number of appeal decisions that support two or more dwellings for this size of herd. Just asking one full time member of staff who works full time in the day to cover all night-time activities would be unreasonable.

9. Planning Considerations

9.1 Policy Background

The NPPF has cancelled Planning Policy Statement 7 (Sustainable Development in Rural Areas) Annex A which contained the tests for workers dwellings. However paragraph 55 of the NPPF covers the essential need for a rural worker to live at or near their place of work in the countryside with paragraph 28 covering the rural economy including agriculture. Whilst the NPPF refers to rural workers in paragraph 55, PPS7 also referred to workers in other rural-based industries. In order to show an essential need, it is therefore still appropriate to apply tests similar to those set out in Annex A to PPS7 which states for a *permanent agricultural dwelling should only be allowed to support existing agricultural activities providing the following:*

- *There is a clear established existing functional need*
- *The need relates to a full time worker or one who is primarily employed in agriculture and does not relate to a part time requirement*
- *The unit and the agricultural activity 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 functional need could not be fulfilled by another existing dwelling on the unit, or any other accommodation in the area which is suitable and available for occupation by the workers concerned*
- *Other planning requirements in relation to access or impact on the countryside are satisfied.*

9.2 Background of the Site

Manor Farm is a large commercial unit comprising dairy and arable enterprises. The focus of the planning application and therefore this report is on the dairy unit. The dairy unit comprises the production of milk for wholesale and the production of calves which are either reared as heifers or sold.

The dairy herd comprises some 300 milking cows. The cows are calved once every 400 days and calving is practiced year round. The herd is milked twice daily and milk output is typically some 8,300 litres per cow, with an overall annual output for the last 12 months of some 2.24 million litres. Milk is sold wholesale to Tesco. The herd may be expanded beyond 300 head; the business is targeting greater productivity per cow, with 9,000 litres per cow targeted for 2013/2014

There are four dwellings in proximity to the farm buildings. Immediately south of the farm buildings are two small bungalows (No.1 and No.2). Further south are two detached two storey dwellings, The Hangings and Highview. Occupancy of the dwellings is as follows:

- Highview is occupied by Mr Ron Nevill and his wife, both of whom have retired from the farm business.
- The Hangings is occupied by Richard Nevill, who works full time on the dairy unit.
- No1. Bungalow is occupied is occupied by Mark, who is employed as the second herdsman
- No.2 Bungalow is occupied by the Herdsman Kerry and his family.

It is understood that the Nevill family have previously owned dwellings in Bishopstrow and Warminster but that those dwellings have been sold.

9.3 Principle of development

The site is located in the open countryside where development is strictly controlled and therefore requires special justification in terms of an agricultural need under Policy H19 of the Local Plan and paragraph 55 of the NPPF.

It is important to first determine whether there is a functional need for someone to be living at the

site in accordance with the guidance in Annexe A of PPS7.

The justification put forward for the proposed dwelling is that it will provide an additional dwelling in order to accommodate a third full time employee on the holding. The new dwelling will enable the third employee to live on the farm, rather than source his own accommodation away from the farm. It is understood that the employee who will occupy the dwelling is required to milk the herd (two milkings) one day per week, to assist with milking two afternoons per week, to be responsible for feeding and bedding three days per week and to provide cover for night time calvings on two to three days per week.

The scale of the dairy herd means that tasks are divided between the existing labour. In summary the two accommodated employees are tasked to milk, feed and bed the herd. Responsibility for night cover for calvings is mainly dealt with through family labour (Richard Nevill and Peter Crossman). The applicant states that night inspections typically take place at 22.00 then (often) at 02.00 – 03.00 and for some nights with a difficult calving there is a requirement to stay up most of the night. In this context it is noted that Richard Nevill lives at The Hangings, in close proximity to the dairy unit and Peter Crossman lives at Auckland Farm, Codford.

It is the applicant's case that there is an essential need for the third employee to be accommodated at the unit in order to undertake the tasks indicated above (milking, feeding and bedding). It is also relevant to note that the farm has found it difficult to retain staff that live off site however it is understood that over the last year there have been five employees who have undertaken the role and no specific reasons have been provided to indicate why the employees have left their post.

It is the Agricultural Consultants opinion that the nature of the duties required of the third employee do not themselves present an essential need for a further dwelling on the site. Night cover is undertaken through structured inspection and it is clear that this business need has already been met through the existing dwellings on site. In his opinion in order to attract and retain high quality staff in agriculture it is often necessary to provide a dwelling due to the combination of long hours and comparatively low wages in livestock farming means that an employer can make a post far more attractive and will have a better prospect of retaining staff if a dwelling is provided as part of the benefits of employment. However, it must be noted that the provision of a dwelling is no guarantee that the correct member of staff will be retained and personal circumstances are not able to be taken into consideration when determining this application.

The Agricultural Consultant also commented on the subsequent letter that was received by the Agent and highlighted that there are already four existing dwellings on site which adjoin the dairy unit, three of which are occupied by farm employees and are all available to meet the essential need of the business.

Annexe A of PPS7 clearly states when it is essential for a worker to remain on site and these include *to be readily available at most times both day and night, in case animals or agricultural processes require essential care at short notice or to deal with emergencies that would otherwise cause serious loss of crops or products*. As there are four existing agricultural workers dwellings on the site, the essential need can clearly be met by those who currently live on the site. It may therefore be more appropriate for the staff who look after the herd to be located on the site in the existing dwellings.

9.4 OTHER PLANNING REQUIREMENTS

Subject to there being a functional need for an agricultural workers dwelling, other issues such as viability, impact on the wider area need to be taken into consideration. These issues will be looked at below.

It has been advised by the Agricultural Consultant that the size of the proposed agricultural workers dwelling is commensurate to the farm holding and the business has been viable and

profitable over the last three years and would be sufficient to reward full time labour in the business.

The design of the proposed agricultural workers dwelling is similar to the existing bungalows that are on site and is therefore considered to be appropriate in terms of size, materials and design.

It is acknowledged that the site is located within the AONB and that the proposed building would be visible within the landscape. However as the proposed dwelling is located adjacent to other existing dwellings its impact upon the AONB would be minimal. If recommended for Approval a condition requiring substantial landscaping around the property could reasonably be requested.

Wiltshire Fire and Rescue have requested a sum of money, however there are no policies within the current local development plan that allow for such monies to be requested and therefore it would be unreasonable for the Local Planning Authority to request it.

10. Conclusion

It is not considered that there is a functional need for an additional dwelling in the open countryside in this location, given the number of dwellings that are already present. The application is therefore recommended for refusal.

RECOMMENDATION

Refuse, for the following reason:

- 1) Based on the size of the current holding there is no existing functional need for a further full time agricultural worker to be readily available at all times at Manor Farm and as such the proposed development would constitute an unsustainable, isolated new dwelling in the open countryside and would fail to comply with Saved Policies C1 and H19 of the West Wiltshire District Plan (1st Alteration) and advice contained in Annexe A of Planning Policy Statement 7 and the National Planning Policy Framework.