

Application No: 2007/481	Application Type: Outline Application with all Subsequent Matters Reserved
Proposal: Erection of Dwelling for Agricultural Worker	Location: Land Off Michael Wife Lane/Gincroft Lane Edenfield
Report of: Head of Planning, Legal and Democratic Services	Status: For Publication
Report to: Development Control Committee	Date: 18 th September 2007
Applicant: Mr S Preston	Determination Expiry Date: 21/10/2007
Agent: Hartley Planning and Development Associates	

REASON FOR REPORTING

Outside Officer Scheme of Delegation	No
Member Call-In	Yes
Name of Member:	
Reason for Call-In:	
More than 3 objections received	No

Other (please state)

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1.0 APPLICATION DETAILS

BACKGROUND

1.1 On 22nd May 2007 the DC Committee considered an application (2007/114) seeking outline permission for the erection of an agricultural workers dwelling on a site off Michael Wife Lane, Edenfield. The Case Officer recommendation was refusal for reasons relating to the unsustainable location of the proposal away from existing settlements; the failure of the applicant to adequately

identify agricultural need; and insufficient information provided with regards to access and layout.

1.2 This application was deferred by Members to allow further information received from the agent to be assessed for the next committee cycle. The application was subsequently withdrawn by the applicant before the next committee date.

1.3 Following the withdrawal of application 2007/114 the applicant has submitted the current application for the erection of an agricultural workers dwelling on a different site

2.0 THE SITE

2.1 The application site is located along Gincroft Lane, a narrow steeply sloping lane lined with a mix of trees, and shrubs that slope upwards in a northerly direction, accessed from Market Street, Edenfield. Approximately 30 metres to the west of the site adjacent to Gincroft Lane is a complex of buildings at Gincroft Farm. Further farm buildings are located on the east side of Gincroft Lane opposite the application site. Open fields are located to the north and east bounded by stone walls. Michael Wife Lane is located directly to the south of the site and runs in an easterly direction from Gincroft Lane. The area of Michael Wife Lane to which the application relates is characterised by a mature trees which bound the lane. A public footpath runs along Michael Wife Lane.

2.2 The application site relates to a sloping site measuring 20 metres by 20 metres which currently forms part of an open field on the north side of the junction of Gincroft Lane/Michael Wife Lane. A watercourse runs through the site.

2.3 The site is located within the Green Belt, outside of the Urban Boundary as designated in the Rossendale District Local Plan.

3.0 Relevant Planning History

3.1 Application 2007/114 - Erection of an agricultural workers dwelling. Case Officer Recommendation was refusal by reason of the failure of the applicant to adequately demonstrate that there is a need for an agricultural workers dwelling for the farm in the location specified; by reason of its location away from existing settlements in the Countryside; and insufficient information regarding access and layout to properly assess the impact of the dwelling on visual amenity and highway safety.

3.2 The application was deferred by Members and subsequently withdrawn before going to the next committee.

4.0 Proposal

4.1 This is an outline application with all matters reserved for subsequent approval. The applicant seeks consent for the erection of agricultural workers dwelling with a curtilage of 20m by 20m. The dwelling would be two storeys in height, possibly split level, and would have a maximum volume of 210 cubic metres and a minimum volume of 120cubic metres. Materials used would be coursed natural stone with a blue slate roof with stone walling or hedging to the garden

boundaries. The dwelling would be set back some 5m from the road. Two car parking spaces would be provided for the dwelling house. Access would be from the north of the site.

5.0 Policy Context

5.1 Rossendale District Local Plan (Adopted 1995)

Policy DC.3 (Green Belt)
Policy DC.1 (Development Criteria)
Policy DC.4 (Materials)

5.2 Joint Lancashire Structure Plan

Policy 1 General Policy
Policy 2 Main Development Locations
Policy 5 Development Outside Urban Areas
Policy 6 Green Belts
Policy 12 Housing Provision

5.3 Other Material Considerations

PPS 1 Delivering Sustainable Development
PPG 2 Green Belts
PPS 3 Housing
PPS 7 Sustainable Development In Rural Areas

Revised Interim Housing Position Statement

6.0 INTERNAL CONSULTATIONS

6.1 **FORWARD PLANNING** – If the criteria to justify an agricultural dwelling can be met would have no comments to make.

6.2 **STREET SCENE AND LIVEABILITY** - An ordinary watercourse flows in open channel and in culvert in the SW of the site. The council advises against the construction of any building above or adjacent to the culvert as this would be poor engineering practice and could create future problems. Any diversion, alteration or culverting of a watercourse will require the formal consent of the Environment Agency under the terms of the Land Drainage Act 1991.

Recommend Condition: Before any development is commenced, details of a scheme for the diversion of any culvert and for dealing with any other land drainage structure or issue shall be submitted to and approved by the Local Planning Authority. Such details shall include the route, size, materials, depth, levels and method of construction. The works shall be constructed and completed in accordance with the approved plans.

6.3 EXTERNAL CONSULTATIONS

6.4 Lancashire County Council

- 6.5 **Land Agent** Comments from the County Land Agency remain unchanged from the reports of the previously submitted application, 2007/114. The response to the application from the County Land Agency therefore is that the application fails to satisfy the criteria of PPS7.
- 6.6 **Highways** Request to see site lines and parking arrangements
- 6.7 **Chief Planning Officer** The proposal would not prejudice the openness of the Green Belt and PPG2 provided that agricultural need can be confirmed. If agricultural need is not proven the proposal would fall for consideration under paragraph 3.4 of PPG2 and very special circumstances would need to be demonstrated.
- 6.8 Proposal is acceptable if agricultural need can be justified. If justification cannot be proven the principles of PPS7 paragraphs 9 and 10 should be applied which require new dwellings outside of settlements to be strictly controlled. JLSP Policy 5 states development outside of defined urban areas to be of a scale and nature appropriate to their location to meet an identified local need. Such development should primarily be located in villages.
- 6.9 No observations on landscape issues.
- 6.10 **ENVIRONMENT AGENCY** – Have verbally confirmed that a 4m easement would be recommended either side of the watercourse. This would have an impact on the siting of the dwelling. The size of the plot may not be sufficient for the proposed dwelling with adequate off street parking facilities. The dimensions of the dwelling may have to be varied to accommodate the watercourse. Diversion of the watercourse could be possible, however, this would first need to be approved by the Environment Agency.

7.0 REPRESENTATIONS

- 7.1 2 neighbours were notified by way of a letter on 30/07/2007. Site notices posted 16/08/2007 as shown on OS bases location plan 1:1250 scale. No responses received.

8.0 REPORT

- 8.1 The main considerations of the application are the acceptability of the principle of the development in terms of Green Belt, Housing Over-supply and the justification for an agricultural worker's dwelling in this location and the impact of the proposal on the surrounding area in terms of existing watercourses through the site, the openness of the Green Belt, visual amenity, residential amenity and highway safety.
- 8.2 The principle of an agricultural worker's dwelling in the Green Belt would be acceptable when measured against PPG2 – Green Belts, as it falls into one of the 5 criteria listed below:
- Agriculture and forestry
 - Essential facilities for outdoor sport and recreation

- Limited extension, alteration or replacement of existing dwellings
- Limited infilling existing villages
- Limited infilling/redevelopment of major existing developed sites.

8.3 Thus, whilst the proposed dwelling would be acceptable in principal in relation to Green Belt policy, the Borough is in a position of Housing Over-supply. The Revised Interim Housing Position Statement states that applications for residential development in Rossendale will be acceptable in the following circumstances:

- a) The replacement of existing dwellings, providing that the number of dwellings is not increased.
- b) The proposal can be justified in relation to agricultural and forestry activities.
- c) In relation to listed buildings and important buildings in conservation areas, the applicant can demonstrate the proposal is the only means to their conservation.
- d) Conversion or change of use of buildings within the urban boundary of the main development location within the Borough (ie Rawtenstall including Bacup and Haslingden) where the number of units is 4 or less.
- e) The conversion to 5 units or more, or for new build developments of 1 unit or more on previously developed land, where it can be demonstrated the proposal lies within and will deliver regeneration benefits within the Regeneration Priority Areas of Rawtenstall Town Centre or Bacup, Stacksteads and Britannia (Elevate) Pathfinder.

8.3 The proposed development on the surface meets criterion b) of the Revised Interim Housing Position Statement. However, the justification for such a dwelling outside of the Urban Boundary must be made in accordance with PPS7 – Sustainable Development in Rural Areas, before the principle can be established.

8.4 Policy 5 of the JLSP stated that development outside of principle urban areas, main towns, and key service centres will mostly take place in villages and other settlements identified in local plans/local development frameworks and will be affordable housing or accommodation to meet the specific needs of a section of the local community.

8.5 Paragraph 10 of PPS7 makes it clear that isolated new houses in the countryside require special justification for planning permission to be granted. The Annex to PPS7 provides:-

- 1) Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time works to live at, or in the immediate vicinity of, their place of work. It will often be a convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and

potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

- 2) It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.
- 3) New permanent dwellings should only be allowed to support existing agricultural activity's on well-established agricultural units, providing:
 - i) there is a clearly established *existing* functional need (see paragraph 4 below)
 - ii) 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
 - iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (see paragraph 8 below):
 - iv) the functional need could not be fulfilled by another existing dwelling suitable and available for occupation by the workers concerned and;
 - v) other planning requirements eg. in relation to access, or impact on the countryside, are satisfied.
- 4) 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. Such a requirement might arise, for example, if workers are needed to be on hand day and night.
 - i) in case animals or agricultural processes require essential care at short notice
 - ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.
- 5) In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for

example and dwellings or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.

- 6) The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling although it will not be itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.
- 7) If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.
- 8) New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A *financial* test is necessary for this purpose and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (see paragraph 3(iii) above), authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.
- 9) 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. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.
- 10) Although the creation of a dwelling can be justified when it is required for a fulltime worker to live on site "it will often be as convenient and more sustainable for such workers to live in nearby towns and villages, so avoiding new and potentially intrusive development within the countryside."

8.6 The County Land Agency Officer has responded by raising the same objections to the applicant's justification as on application 2007/114. The County Land Agency consider that the main enterprise on the units is the breeding and rearing of sheep. In relation to this enterprise most supervision/observation is required at times of lambing. The vast majority of lambing takes place within a 4-5 week period as stated in the Athertons' letter of support forming part of this application. The sheep are a hill bred variety, the majority of which lamb outside, unaided. The protection of livestock appears to be the main reason for the proposed agricultural dwelling. The agent confirmed that the land to the south of Gin Croft Lane is used for animal grazing. The location of the new

dwelling, however, would not offer views of the area of land predominantly associated with livestock.

- 8.7 The farm to which the application relates is located approximately 900 metres from the centre of Edenfield. Due to the size of the farm covering approximately 336 acres it is considered that the creation of a new dwelling can not be justified if there are dwellings available within, or in close proximity to, the centre of Edenfield where the agricultural worker could reside. The applicant has demonstrated that there are dwelling houses in the area that could be used to accommodate the applicant. It is considered that the argument that a dwelling in Edenfield for an agricultural worker would likely cause problems in terms of smell and noise is unjustified. The recently erected farm buildings were put in place for storage of agricultural machinery and equipment which, therefore, would not need to be stored in a residential area. Mr Prestons current address is suitably located to deal with the farming operations. It is considered, therefore, that the enterprise would not require an agricultural worker to be on the farm 'at most times', thus failing an important part of the functional test.
- 8.8 The approval for two new barns on Packhorse Farm were granted under applications 2005/159 and 2006/221 for lambing, storage of hay, and machines such as tractors, balers, and mowing equipment. It is considered that these buildings would significantly decrease the need for a worker to be on site to protect the farm. A requirement of a functional test as suggested in PPS7 would be for the need for the worker to deal quickly with emergencies that could otherwise cause serious loss of crops or products. As stated earlier the previous permissions for two new barns significantly decreases the need for somebody to be on site for protection of equipment, and the size of the farm coupled with the nearby location of Edenfield itself is considered that there is not a requirement for a new dwelling to be created to respond to problems arising with the crops – The farm does not produce any crops.
- 8.9 It is also highlighted that the owner of the farm, Mr Nuttall, has an interest in other properties within Edenfield. The current farming unit is an amalgamation of 2 farms; Pack Horse Farm and Pinfold Farm, to which a number of dwellings have been associated, all of which have been in the Nuttall family's direct control, including his current address. The suggestion that the land has never had a farmhouse is therefore incorrect. There are, therefore, other dwellings associated with the unit that could possibly be used to accommodate an agricultural worker without the need to create a dwelling.
- 8.10 The County Land Agency has commented on the financial accounts provided as part of this application, and highlights that the business made a loss in 2006, and the information provided may not accurately reflect the size of the unit. To satisfy a financial test the enterprise would need to be able to sustain a living for the operator of the business as well as fund the cost of the proposed dwelling. The accounts do not confirm that this is possible.
- 8.11 PPS7 makes it clear that agricultural dwellings should be sited so as to be well related to existing farm buildings, or other dwellings. It is considered that the siting of the proposal is in an appropriate location in relation to other farm buildings and dwellings, albeit not associated with the holding to which the application relates. Notwithstanding the appropriate location of the proposed agricultural dwelling in relation to other farm buildings and dwellings, it cannot

be said that it is acceptable in principle a suitable location as evidence has been provided of existing residential accommodation within Edenfield.

- 8.12 The agent has stated that the applicant needs to be on the farm partly to stop people from driving quad bikes and the like through the meadows and generally causing destruction and stress to animals. Crime numbers have been provided as evidence. The agent also states, however, that the applicant works the farm on a daily basis and for very long hours. Whilst it is considered that crime is an issue in the area this is considered to be overemphasised. In addition, the amount of time that the applicant works on the farm would in itself provide a substantial amount of security to the unit, and the animals and machinery. The 2 barns recently erected would provide much, if not all of the security needed for the agricultural machinery and the lambs in times of lambing between March and April.
- 8.13 The scheme is therefore considered unacceptable in terms of the principle of creating an agricultural workers dwelling in the Green Belt. The applicant has failed to provide evidence to meet the test of PPS7.
- 8.14 This is an outline application with all matters reserved, however, it is considered that the location of the site within the Green Belt, and in a prominent position in relation to the junction of Gincroft Lane and Michael Wife Lane with a public footpath running directly to the south that sufficient thought needs to be given to matters relating to the effect on the openness of the Green Belt and visual amenity. The proposed materials are considered acceptable.
- 8.15 The site is located close to existing farm buildings and dwellings, therefore would not be unduly detrimental to the character of the area. The site, however, slopes steeply to the north and has a watercourse running through the south west of the site. The Environment Agency have verbally stated that an easement of 4 metres would be required either side of the culvert. This would have design implications to the extent that it may not be possible to erect a dwelling on the site with adequate off road parking and garden area. The proposed dimensions put forward by the agent do not take into account the possibility of a split level dwelling that the agent has stated may be required for the site. It is therefore considered that insufficient information has been provided to adequately assess the impact of the proposed agricultural workers dwelling in relation to visual amenity. The scheme is considered unacceptable in terms of visual amenity.
- 8.16 The only neighbouring dwelling is Gin Croft Farm, located approximately 30 metres to the south of the application site. This distance is considered adequate to negate any significant impact in terms of loss of light, privacy or outlook. The boundary details proposed would be either stone wall or hedging. The heights of which are not specified, however, it is considered that this could satisfactorily be controlled at reserved matters stage. There is a lack of information relating to the design and positioning of the dwelling due to the watercourse on site, therefore it is not possible to adequately assess the impact of the application in terms of residential amenity. The scheme is considered acceptable in terms of residential amenity.
- 8.17 The applicant has provided information regarding sight lines from the north of the site. It is considered that the location of the development and the siting of the access point to the north of the site egressing onto Gincroft Lane would not

be materially detrimental to highway safety. The scheme is considered acceptable in terms of highway safety.

- 8.18 The Case Officer considers that an agricultural need can not be justified, and the application fails to meet the any other criteria to justify the creation of a dwelling in the specified location. The case does not provide significant justification for the need to construct an agricultural workers dwelling.

9.0 CONCLUSION

- 9.1 It is considered that the agent has failed to provide sufficient detail to meet the requirements of National and Regional Policy for the reasons outlined above.

10.0 RECOMMENDATION(S)

- 10.1 That the committee be minded to refuse the application on the basis that the application does not fulfill the requirements of PPS7.

11.0 REASONS FOR REFUSAL

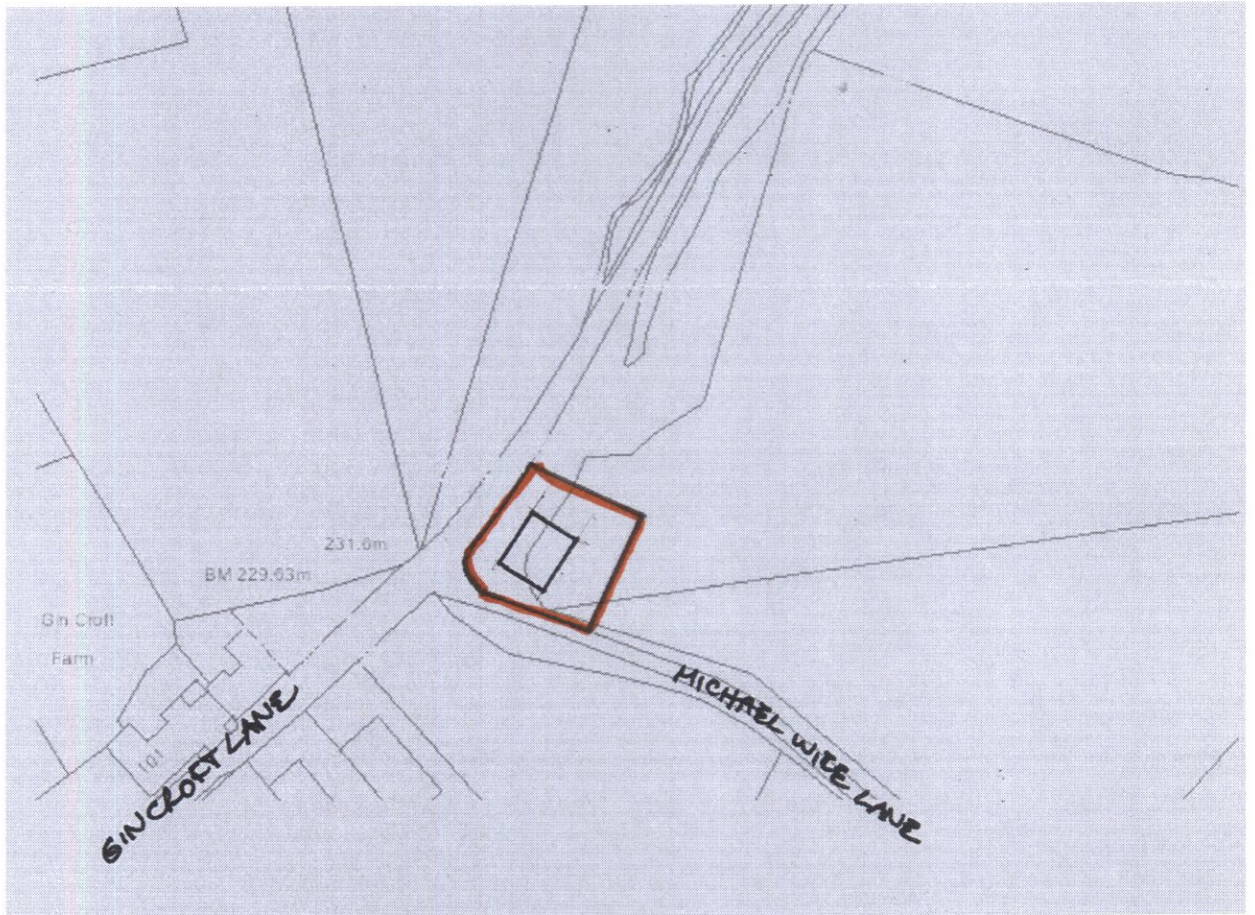
- 11.1 The application for the proposed development cannot adequately demonstrate that there is a need for an agricultural worker's dwelling for this farm in this location. The application therefore conflicts with PPS7 Sustainable Development in Rural Areas and Policy 5 of the Joint Lancashire Structure Plan, the Council's Interim Housing Policy, and Policies C.4 (Agricultural Land) and DC.1 (Development Criteria), of the adopted Rossendale District Local Plan.
- 11.2 There is insufficient information regarding design and layout to properly assess the impact of the dwelling on the openness of the Green Belt, visual amenity and residential amenity. The application therefore conflicts with the criteria of PPG2 Green Belts, PPS 7 Sustainable Development in Rural Areas, Policy DS.3 (Green Belt), Policy C.4 (Agricultural Land), Policy DC.1 (Development Criteria), and Policy DC.4 (Materials) of the adopted Rossendale District Local Plan.

Contact Officer	
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Revised Site Location Plan and red edge
(July 1, 2007)

Address and proposal: Outline application for agricultural workers dwelling,
PackHorse Farm, junction of Gin Croft Lane and Michael Wife Lane, Edenfield.

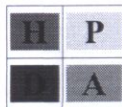
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Special Document
044053



July 2007

Prepared by Hartley Planning and Development Associates Ltd

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