

<b>Application No:</b>	2007/598	<b>Application Type:</b>	Outline Application with all Subsequent Matters Reserved
<b>Proposal:</b>	Erection of Dwelling for Agricultural Worker	<b>Location:</b>	Land Off Michael Wife Lane/Gincroft Lane Edenfield
<b>Report of:</b>	Executive Director of Regulatory Services	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	13 <sup>th</sup> November 2007
<b>Applicant:</b>	Mr S Preston	<b>Determination Expiry Date:</b>	20 November 2007
<b>Agent:</b>	Hartley Planning and Development Associates		

**REASON FOR REPORTING**

**Outside Officer Scheme of Delegation** No  
**Member Call-In** Yes

Name of Member: Councillor D Smith  
Reason for Call-In:

1. A letter of support from the Girl Guides was delivered to the Planning Section on the day of the last Committee meeting when the application for an agricultural dwelling on this same site was to be considered by Committee. The letter was not brought to the attention of the Members of the Committee
2. Precedent - With regard to Trice Barn Farm, Deerplay. Officers gave no information as to why one should be approved while the application at Gin Croft Lane should be refused. Would like Members to be aware of the County Land Agent's advice with regard to Trice Barn Farm and whether or not Members followed it.
3. I should like Members to be more fully informed of the mix and type of husbandry on the farm - existing and proposed. I understand that great emphasis was placed on the sheep, their hardiness and the lack of a need for regular care. I do not think that this is an accurate reflection of the work needing to be done on the farm.

**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. BACKGROUND**

There have been two previous applications on this site that have gone before committee in relation to this scheme. Further details can be found in the planning history section of this report.

## **2. THE SITE**

- 2.1 The application site is located in the countryside to the east of the settlement of Edenfield. It is situated midway along Gincroft Lane, a narrow steeply sloping lane, at its junction with Michael Wife Lane. Approximately 30 metres to the south-west of the site is a complex of buildings at Gincroft Farm. 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 Countryside, adjacent to the Green Belt, outside of the Urban Boundary as designated in the Rossendale District Local Plan.

## **3. RELEVANT PLANNING HISTORY**

- 3.1 On 22 May 2007 Committee considered an application (2007/114) seeking outline consent for the erection of an agricultural worker's dwelling on a site off Michael Wife Lane, Edenfield. The Officer recommendation was for refusal relating to the failure of the applicant to adequately identify agricultural need; the unsustainable location of the proposal away from existing settlements; and insufficient information provided with regards to access and layout.
- 3.2 Application 2007/114 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.

3.3 Following the withdrawal of application 2007/114 the Applicant submitted a new application (2007/481) for the erection of an agricultural workers dwelling on a different site. This application was brought to Committee under the Council's Call-in procedure and was refused for reasons relating to:

1. The application was unable to adequately demonstrate that there is a need for an agricultural worker's dwelling for this farm in this location.
2. The application contained insufficient information regarding design and layout to assess the impact of the proposal on the surrounding area.

3.4 Following the refusal of application 2007/481 the applicant submitted the current application for the erection of an agricultural worker's dwelling on the same site.

3.5 Mr Nutall, the owner of the farm, currently has a planning application in with the Council for the demolition of an existing garage building and redevelopment of the site for 3 storey block of 12 no.one bedroom apartments with parking space at Packhorse Garage, Market Street, Edenfield.

#### **4. PROPOSAL**

4.1 The current application is almost identical to 2007/481 but for the addendum to the Design and Access Statement, and a letter of support from Councillor Smith and the local Guides, the agent's submissions and the additional information provided with the application forms an addendum to the Design and Access Statement. This is included in full in **Appendix A** to this report.

4.2 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. On the 08/10/2007 the case officer sent a letter to the agent requested the following additional information.

- An accurately plotted position of the watercourse that runs through the site.
- A turning facility for the proposed scheme to be shown within the red edge of the site.
- Proposed dimensions for a split level dwelling that the agent has stated may be required for the site.
- A plan to demonstrate that the proposed dwelling can be sited within the red edge, with an adequate garden, parking and turning facilities taking into account the position of the watercourse and the 4 metres distance required to separate the dwelling from the watercourse.
- The applicant, Mr Preston, spoke at the last committee meeting in regards to the refused application 2007481. Mr Preston stated that Mr

Nuttall has no involvement with the farm. Clarification of this comment was requested as there are numerous references within the Design and Access Statement to the Nuttall family, e.g. "The farm has been worked by the Nuttall Family for at least 4 generations."

- 4.3 On the 18/10/2007 the agent responded to the letter. The response included a plans and elevations for the proposal 'for illustrative purposes'. The agent provided information relating to the position of the watercourse that runs through the site. No turning facility has been shown on the plan provided. The proposed dwelling as shown on the plan provided contains 4 bedrooms on two storeys, with an integral garage. No indications of the levels on the site have been included. Proposed landscaping is indicated on the north boundary with access to the site from the east. The agent has stated that "the Nuttall family have farmed the land for generations and that the land remains in their ownership. Stephen Preston, however, is fully responsible for the running of the farm on a day to day basis. Richard Nuttall is fully engaged with the separate haulage business and other business matters."

## 5. POLICY CONTEXT

### 5.1 Planning Policy Statements and Guidance Notes

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

### 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 Rossendale District Local Plan (Adopted 1995)

Policy DC.3	(Green Belt)
Policy DS5	Development Outside Urban Boundary &
Policy DC.1	(Development Criteria)
Policy DC.4	(Materials)

Revised Interim Housing Position Statement

## 6. 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 **Drainage** - 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

#### Lancashire County Council

6.4 **Land Agent** Comments from the County Land Agency remain unchanged from the reports of the previously submitted application, however the Land Agency has responded to the addendum to the Design and Access Statement submitted by the agent. The Land Agent's response is that the additional information provided with the current application does not add any further justification to the need for a new agricultural workers dwelling on the unit. The full response to the additional information has been included in the appendix of this report.

6.5 **LCC Highways** The drawing and garage appear to satisfy the requirements. Would have no comments to make other than that the planting along the frontage of Gincroft Lane and Michael Wife Lane, on either side of the site entrance, should not exceed, or be maintained at, a height less than 1m high to preserve sight lines.

6.6 **County Planning Officer** The County Planning Officer has stated that the points made in the previous application are unchanged. As such, 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.

6.7 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.

6.8 No observations on landscape issues.

#### Environment Agency

6.9 Awaiting response.

- 6.10 The response in the committee report for application 2007/481 was: 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. REPRESENTATIONS**

- 7.1 2 neighbours were notified by way of a letter on 27/09/2007. Site notices posted 18/10/2007 as shown on OS based location plan 1:1250 scale to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

No representations have been received.

## **8. REPORT**

- 8.1 The Addendum to the Design and Access Statement from application 2007/481 is the difference between application 2007/598 and 2007/481. The applicant has submitted additional information regarding details of the dwelling on the proposed site. This information is contained within paragraphs 8.26 of this committee report. Further information regarding the details of the dwelling are included within the Land Agent's report included within the appendix.
- 8.2 Following the refusal of application 2007/491 the applicant has submitted as part of the current application an addendum to the Design and Access Statement stating that Members were not made aware of all the available information in the possession of the authority which could have had a bearing on the decision. The points highlighted will now be taken in turn.
- 8.3 The agent stated that a letter of support was handed into the Council Offices the morning of the committee, and this was not taken into account. The correct notification procedures were carried out by the Council, which specified the response times. This piece of information was also too late for the late items report.
- 8.4 The agent claims that inadequate weight was given by the Committee to the number of times when the police had visited the farm. It is considered that this was adequately covered in a section of the committee report for the previous application at paragraph 8.12.
- 8.5 The agent is incorrect in relation to his comments in the second bulleted point of his addendum referring to the advantages of relocating the barns away from urban buildings. The Committee report actually stated that the siting of the proposed dwelling was in fact better related to existing buildings than the application 2007/114 which related to a similar proposal on a different site within the holding.
- 8.6 The third bullet point in the addendum referring to the impact of the proposed dwelling is an assumption by the agent that cannot be justified. The case officer

has assessed the application in relation to visual amenity and the effect on the Countryside and the openness of the Green Belt within this report.

- 8.7 The fourth point made by the agent has been responded to by the Land Agent's in their report on the addendum.. "The comparison therefore with the current application [and Trice Barn Farm] is that circumstances of each of these applications do not satisfy national planning policy criteria".
- 8.8 Members were advised that this is mainly a sheep farm, and that the sheep are mainly a hill bred variety, therefore requiring less attention. This is a factual statement. The needs of the sheep on the farm were taken into account and assessed accordingly.
- 8.9 Finally the agent states that members were misled by the officers who made no reference to the proposed 80 cattle on the farm. This was not possible for the Council to do as it was not included in the previous application. The land uses, however, were taken into consideration by the case officer, and the County Land Agency.
- 8.10 It is considered therefore that the points raised in the addendum do not outweigh the previous findings of report 2007/481. As such this report remains essentially the same as the report for application 2007-481.
- 8.11 The main considerations of the application are the acceptability of the principle of the development in terms of Countryside Policy and the effect on the openness of the 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, visual amenity, residential amenity and highway safety.
- 8.12 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.
- 8.13 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.

- 8.14 Policy 5 of the JLSP states 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.

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) 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 activities 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.

- 8.15 The County Land Agency Officer has responded by raising the same objections to the applicant's justification as on application 2007/114 and 2007/481. They have responded to the addendum to the Design and Access Statement provided by the agent and have concluded that the current application does not add any further justification to the need for a new agricultural worker's dwelling on this unit. The County Land Agency considers that the main enterprise on the unit 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 Atherton's Land Agents 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.
- 8.16 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.
- 8.17 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 Preston's 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.
- 8.18 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.

- 8.19 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.
- 8.20 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.
- 8.21 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, as evidence has been provided of existing residential accommodation within Edenfield.
- 8.22 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.
- 8.23 The scheme is therefore considered unacceptable in terms of the principle of creating an agricultural workers dwelling in the Countryside adjacent to the Green Belt. The applicant has failed to provide evidence to meet the test of PPS7.
- 8.24 This is an outline application with all matters reserved, however, it is considered that the location of the site in the Countryside adjacent to the Green Belt, would be 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. Therefore considerable thought needs to be given to matters relating to the effect on the openness and character of the Countryside, the Green Belt and visual amenity. The proposed materials, which are coursed natural stone with a blue slate roof are considered acceptable.

- 8.25 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 implications for the siting 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 watercourse has been shown on a site plan submitted by the agent, and the positioning of the dwelling on the site plan is situated an adequate distance away from the watercourse. The plan also indicates that access would be obtained over the watercourse, however, it is not detailed how the watercourse would be diverted. The site plan, and elevations, do not indicate any variation in levels on site. It is considered that due to the steepness of the slope on site it is important to understand how a dwelling would be accommodated on site. The elevations and site plan submitted are for illustration purposes only. It is considered, therefore, taking into account the illustrative nature and the lack of levels indicated, that little weight can be attached to the submitted plans. It is considered that insufficient information has been provided to adequately assess the impact of the proposed agricultural workers dwelling on the Countryside, the openness of the Green Belt, and in relation to visual amenity. The scheme is considered unacceptable in terms of visual amenity.
- 8.26 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 are trees and shrubbery. The heights of which are not specified, however, it is considered that this could satisfactorily be controlled at reserved matters stage. The scheme is considered acceptable in terms of residential amenity.
- 8.27 The applicant has provided information regarding sight lines. It is considered that the location of the development and the siting of the access point would not be materially detrimental to highway safety subject to a condition to reduce the trees and shrubbery to a height of no greater than 1 metre in height on either side of the site entrance. The scheme is considered acceptable in terms of highway safety.

## **9. CONCLUSION**

- 9.1 The case officer considers that an agricultural need cannot be justified, and the application fails to meet the 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.
- 9.2 Members chose to refuse what was essentially the same scheme under application 2007/481. The additional information provided within this application has been assessed by the County Land Agency who have concluded that no further justification has been added to the need for an agricultural worker's dwelling on this unit. The Case Officer concurs with this view.
- 9.3 It is considered that the applicant has failed to provide sufficient detail to meet the requirements of National and Regional Policy for the reasons outlined above.

**10. 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. REASONS FOR REFUSAL**

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.
2. There is insufficient information regarding design and layout to properly assess the impact of the dwelling on the impact on the openness of the Green Belt, visual amenity and residential amenity. The application therefore conflicts with the criteria of 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.

<b>Contact Officer</b>	
Name	Richard Elliott
Position	
Service / Team	West Area Team – Development Control
Telephone	01706 238639
Email address	richardelliott@rossendalebc.gov.uk

1)

**1. Addendum to Design and Access Statement Application for agricultural workers dwelling, Gin Croft Lane, Edenfield**

This is a resubmission of an earlier planning application for an agricultural workers dwelling at the junction of Gin Croft Lane and Michael Wife's Lane.(2007-481)

It is made on the basis that Members were not made aware of all the available information in the possession of the authority and which could have had a bearing on the decision.

In particular:-

- On the morning of the committee meeting held to decide the application a letter of support from the Guides was handed in at the One Stop Shop, Rawtenstall. The letter confirmed the level of vandalism in the area and helped to support the real need for a farm worker to live on the land for reasons of security. The letter of support was not mentioned in the Late Items report nor was it brought to the attention of the Committee verbally.  
Similarly inadequate weight was given in the Committee report to the number of times when the police have had to visit the farm. A further visit was made between the submission of the application and its determination. The crime number is FL0701990
- Members were advised that the advice of the County Land agent was a paramount consideration. They were not told that the land agent had noted the advantages of relocating the barns away from urban buildings. With regard to the application for one of the barns (2005/159) he says "*I understand the reasons....relating to possible problems with residential neighbours*". By inference the same applies to a farm house.
- Members were not advised that when approving one of the two barns on the farm (2006/221) officers had concluded in writing that "*Its use ...is not considered likely to detract to an unacceptable extent from the essentially open and rural character of the area, the amenity of neighbours or in respect of any other material planning consideration*" and that if that is the conclusion for a huge barn it must apply also to a small farmhouse located adjoining other buildings.

- Members were not advised as to the same Land Agent's recommendation for refusal but the unanimous decision of the Committee to approve the application at Trice Barn Farm, Dean, Bacup.

They were not advised as to why the Gin Croft Lane application should be regarded differently by Members – particularly when the issue of precedent was pressed so hard by the officers.

In fact a comparison is illuminating

	<b>Trice Barn Farm</b>	<b>Pack Horse Farm</b>
Planning no	2004/740	2007/481
Acreage	100	369
Longevity of enterprise	Recent	4 generations of the same family
Animal stock and other farming activities	2,500 poultry 1 boar and progeny (160) 120 breeding ewes 25 suckler cattle 12 milking goats	Typically 500 lambing ewes plus 700 lambs plus a further 1500 sheep over the winter months giving a total at that time of some 2800 60 acres for hay making giving 10,000 bales plus a further 400 bales for silage 80 cattle (when fencing is completed) Tree planting and maintenance scheme
Meetings with county land agent	None	Yes
Full time worker	Land Agent says probably not; insufficient information to say with certainty	Yes
Relation to existing buildings	No existing buildings	Dwelling to be situated with other buildings
Other farm buildings	Non	2 new barns
Recommendation of County Land Agent	Refuse	Refuse
Committee decision	Approved unanimously	Refused

- Members were advised strongly by the officers that this is mainly a sheep farm and that the sheep are a very hardy variety which are able to “look after themselves”. The reality is that the sheep need constant attention – in batches – for the following purposes and which means they need to be examined closely and regularly. A cottage on the farm will enable the work to be carried out far more effectively and for larger numbers than is currently possible.

- Examination of feet for rot
- Dipping and disinfecting
- Lambing
- Shearing

Members were misled by the officers who made no reference to the proposed 80 cattle on the farm (to be introduced as soon as fencing is completed) not to the 60

acres of hay meadows which supply 10,000 bales of hay per year plus a further 400 bales for silage.

The application is resubmitted in order that this information can be properly assessed.



Received  
by Goshin  
18/9 AM

102 Market Street  
Edenfield  
Ramsbottom  
BL0 0JL  
13<sup>th</sup> September 2007

Dear Sirs,

Re Proposed Dwelling Gincroft Lane, Edenfield, Ramsbottom

With reference to the above application, as a representative of Rossendale Guides we as a group wish to support the application.

The reason being that the campsite, which is owned and run by Rossendale Guides adjacent to the proposal in Michael Wife Lane, has been plagued by vandalism and unauthorised access by the local youth gangs.

We feel that a dwelling built in proximity to the site could go a long way to alleviating problems that have occurred over the years

Yours Faithfully

*Helen Barlow*

Helen Barlow

Guide Guider

## **Planning Application 2007/481 – Erection of dwelling for agricultural worker.**

Dear Committee Members

I would have liked to have attended the meeting this evening to speak on this application – unfortunately the meeting was moved from its original date and I am unable to attend due to business commitments.

Many of you will recall that I spoke in favour of Mr Preston's original application for an agricultural workers dwelling earlier this year. Following careful consideration Mr Preston withdrew his original application.

You will recall that I outlined how fortunate we in Edenfield are, we have a church, a post office, several pubs, a school as well as other businesses and most importantly a farm.

I mentioned how farmers had had a difficult time in recent years (things have become more difficult recently with yet another outbreak of foot and mouth and the ghastly summer we have had) and how many farms had ceased trading. This wasn't and isn't the case with Pack Horse farm, which is a large working farm, possibly the largest in Rossendale, which continues to develop and evolve. Further expansion of the farm now means more than ever that an agricultural workers dwelling is needed.

Mr Preston has tried for a considerable period of time to liaise and work with the council to facilitate a dwelling which is acceptable to the Council, the local community and which works best for the farm. It is this commitment to working with the Council which led to Mr Preston withdrawing his original application following comments made by the committee. You will have noted the background to the original application and noted the new application addresses an issue raised at the meeting, that of the location of the proposed dwelling. The new location is closer to existing buildings so as to avoid a scattering of buildings in the countryside which was a matter for concern for the committee.

Much is said in the report relating to this application about the justification of an agricultural workers dwelling for this farm and it disappoints me to say there appears to be an underlying tone questioning the motives for wanting to build a house in the proposed location.

There is mention about the possibility of utilising other buildings associated with the farm or other buildings in the ownership of the Nuttall family (who own the farm) despite the fact that all those buildings are in unsuitable locations and do not provide the need for being positioned centrally on the farm to ensure security and the best welfare of the animals on the farm.

It is essential that we assist working farms in our villages. Despite the inference in the report, this is a FULL TIME economically viable farm which continues to expand with the addition of more livestock and the undertaking of a substantial amount of forestry work. This is in addition to the day to day work of the farm and the upkeep of the countryside associated with the farm.

It is a long established farm and it is essential that the farm has an agricultural workers dwelling to ensure the long term future of the farm.

I would like to remind Members that there was considerable sympathy for the scheme when it was last debated before being deferred for further information. Many of the concerns raised by Members at the original hearing have now been addressed in this new application.

Members are aware of a similar approval in Weir where the acreage was about a tenth of the farm in Edenfield.

The case officer has asked for various extra information since the submission of the application, all of which have been fully met, including would you believe a list of all houses currently for sale in Edenfield and what price they are listed at (the issue of suitability of location has obviously been completely ignored showing a complete lack of understanding of the needs of and the way a village farm works)!

As ward Councillor I have considered all the aspects of this application and I am happy to support it and would ask that you all do the same. The committee has the flexibility within policy to grant permission – policy states ***'development may be justified when accommodation is required to enable agricultural, forestry and certain other full time works'*** – all these functions are carried out at Pack Horse farm.

Please support Mr Preston's application and the village of Edenfield.

THANK YOU

Councillor Darryl Smith

## **Selected Comments upon the written submissions included with the current application**

In support of the application the issues raised which are considered to satisfy the "functional need" are concerned "lambing" and to "protect animals and equipment". On this point I would comment that the protection of livestock from theft, injury are not factors associated with a functional test assessment. This is a factor raised in paragraph 6 of annex A and which it specifically states should not by itself be sufficient to justify a dwelling...However, on this point it should be noted that the agricultural operations currently constitute a breed flock of in the region of 500 hill breed ewes and not up to 1,000 as referred to in the supporting information.

Outside of the lambing period I do not envisage the operational requirements of this farm unit giving rise to circumstances that justify the operator being "readily available at most times".

Reference is made in the supporting information the applicant's intention to introduce a beef finishing operation as additional agricultural activity on the unit. Notwithstanding the fact that the requirement in paragraph 3 of annex A states that "there is a clearly established *existing* functional need" there are no buildings on site to accommodate the beef cattle outside of the grazing season. On the other hand if the beef system is only a grass based system then I do not feel the issues which trigger the circumstances associated with the assessment of sufficient functional need to be to satisfy in principle a functional test. In addition there has not been any information provided by the applicant as to the scale or nature of the beef enterprise in order to assess the functional need

The [farm] buildings by their nature of design are for general agricultural use but more particular for storage purposes which I consider typifies the low intensiveness of how the unit is farmed.

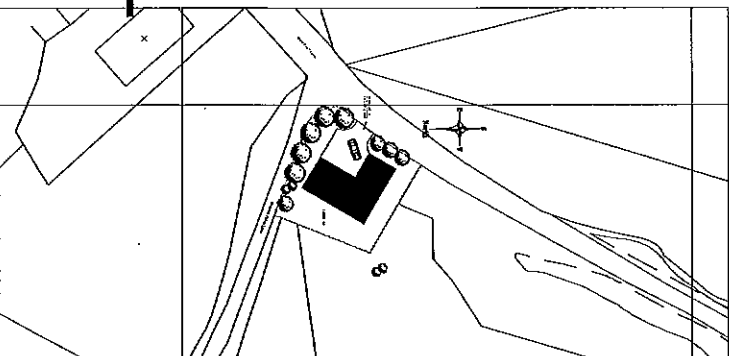
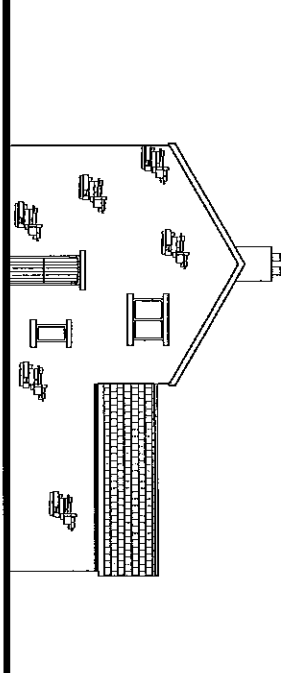
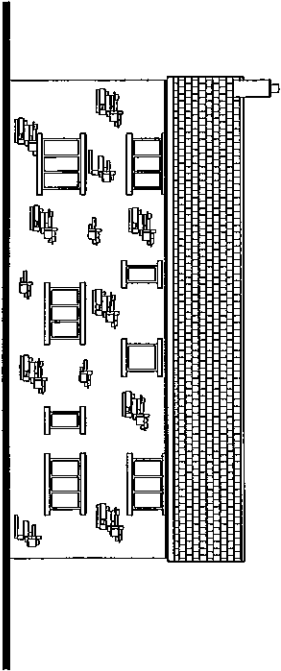
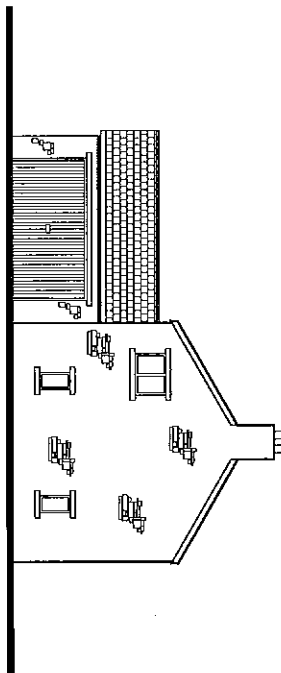
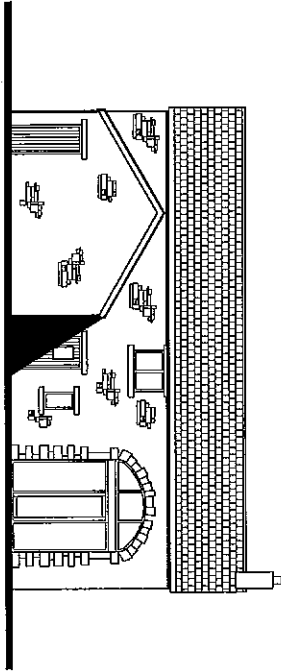
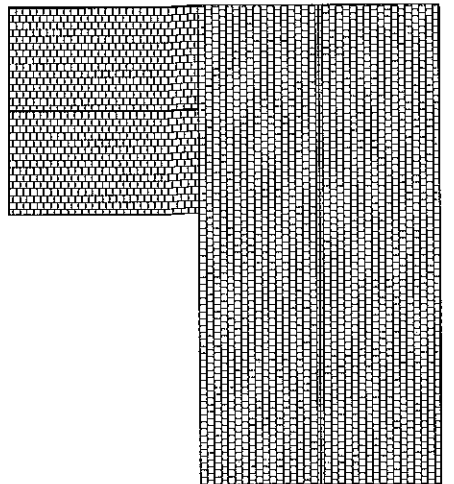
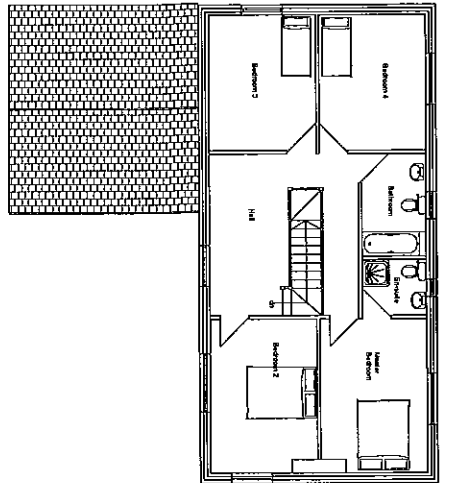
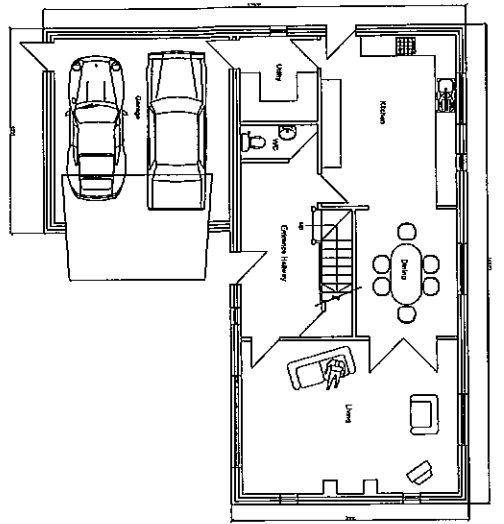
The justification for the location being close to the site of vandalism and motorbikes travelling over meadowland is consider only a minor issue when put in perspective and the assessed against the criteria referred to in annex A for assessing applications for new dwellings.

A reason put forward for the proposed dwelling is the need of the applicant for larger accommodation. Such a reason would constitute "personal circumstances" for which is excluded from the justification for new dwellings as referred to in paragraph 1 of annex A. In any event I feel the cost of erecting a 4 bedroomed dwelling as indicated in the submission would exceed the cost of purchasing a 3 bedroomed property located in the village. I have checked property sales in the village and note 3 bedroomed dwellings have sold between £135k and £160k.

I am concerned of the potential implications were planning permission to be granted for the proposed dwelling in view of the fact the applicant is not the owner of the farm but merely an employee. With a standard Agricultural Occupancy Condition imposed on the property it would allow the dwelling to be fragmented from the farm unit. If the applicant were to cease working on the farm this could lead to a new application being submitted for a replacement dwelling to serve the unit. In view of its detached position from the farm buildings then its physical separation from the farm is feasible.

Comparisons have been drawn by Mr Hartley (agent) between the circumstances surrounding the current application and those which existed at the time when application 04/740 was granted planning permission at Trice Barn Farm, Bacup. The application 04/740 was granted planning permission by Committee against officer recommendation. Lancashire County Council's Property Group had advised the Planning Officer upon whether the circumstances of the application satisfied National Planning Policy Criteria for agricultural workers' dwellings at the time laid out in annex I of PPG7 (revised). The advice given had involved a visit to the site and meeting with the applicant was that the agricultural circumstances did not satisfy the criteria. The comparison therefore with the current application is that circumstances of each of these applications do not satisfy national planning policy criteria

DO NOT SCALE



NO	DATE	REVISION

Notes

Client: Mr Stephen Penson

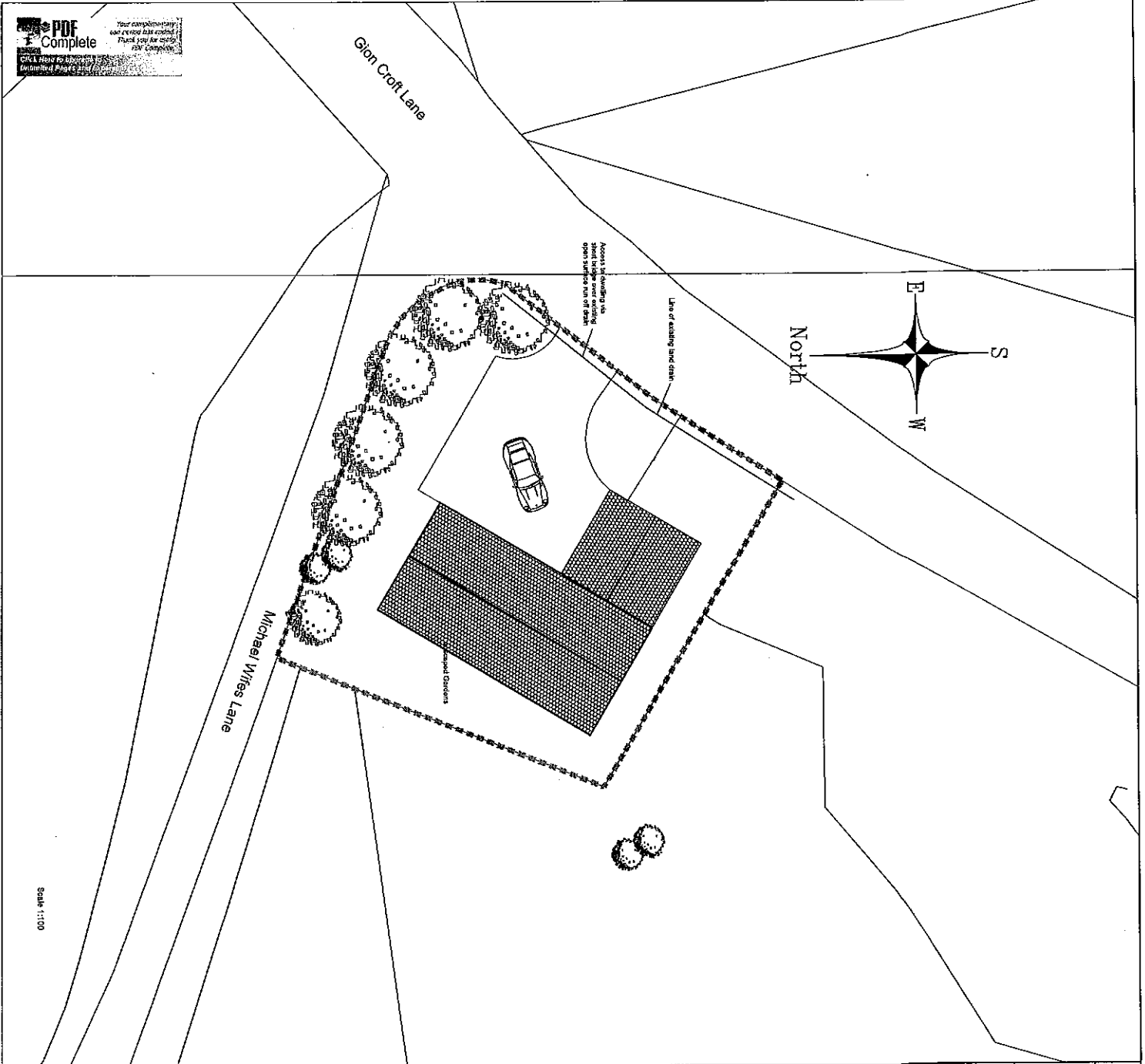
Project: Proposed Agricultural Dwelling  
Land off Michael Wiles Lane, off Ch oak  
Lane, Edenfield

Town: 9001

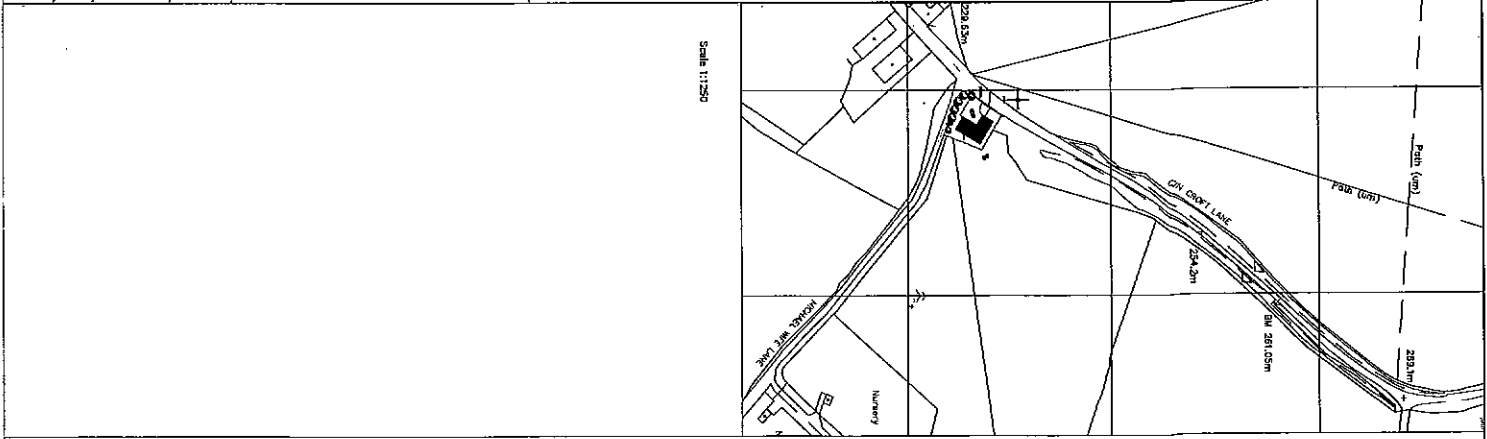
Proposed Plans and Elevations

9001-01	A
---------	---

Ben Edmondson B.Sc(Hons)  
29 Fernhill Drive  
Sheffield, S18 8BA  
Tel: 0114 8341341



Scale 1:100



Scale 1:1250

DO NOT SCALE

NO.	DATE	REVISION

**Ben Edmondson B.Sc(Hons)**  
 20 Pennhill Drive  
 Strathfieldsaye, Vic 3042  
 Australia  
 0433 838  
 Tel: 0700 870044

Project: Proposed Agricultural Dwelling  
 Land at Michael Wives Lane, off Glen Croft Lane, identified  
 Title: 8501

Proposed Plans and Elevations  
 9001-02  
 No. A