

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	14 MARCH 2018
TITLE OF REPORT:	173476 – PROPOSED ERECTION OF TEMPORARY AGRICULTURAL WORKERS DWELLING WITH ASSOCIATED PARKING AND RESIDENTIAL CURTILAGE AT LAND TO THE WEST OF THE NOGGIN, MUCH MARCLE, HEREFORDSHIRE For: Mr Boulton Brooks per Mr Matthew Tucker, Embassy House, Queens Avenue, Bristol, BS8 1SB
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173476&search=173476
Reason Application submitted to Committee – Redirection	

Date Received: 14 September 2017 Ward: Old Gore Grid Ref: 363358,234212
Expiry Date: 13 November 2017
Local Member: Councillor BA Durkin

1. Site Description and Proposal

- 1.1 The site is located in open countryside opposite The Noggin and its historic farm complex, which is under separate ownership. The application site is an agricultural field and part of the applicants' wider land holding within the area. The field is relatively well contained with existing hedgerows and trees. The site is bound by well established vegetation and some mature trees to the west and east, with an existing access to the east of the site. The north boundary of the site is open agricultural land. The location is very elevated, sitting on or below Marcle Ridge, with various points along the highway and public rights of way offering dramatic expansive views towards Ledbury, the Malvern Hills Area of Outstanding Natural Beauty (MHAONB).
- 1.2 Marcle Ridge and the Three Choirs Way right of way, is approximately 250 metres to the west. There are two fields that lie between the bridle path and the application site that are also part of the applicant's land holding. A mature boundary hedge separating the two fields obscures views of the application site from the Three Choirs Way.
- 1.3 The site is not within or immediately adjoining an Area of Outstanding Natural Beauty, however there is inter-visibility between the general location and MHAONB as identified above. The site itself is not visible from the MHAONB due to intervening buildings, topography and vegetation.
- 1.4 There are no heritage designations on or adjoining the site.
- 1.5 The surrounding land is predominantly in agricultural use. The application site can be considered to be in an isolated location with only The Noggin, as referenced, and a dwelling Messcott to the north, within 250 metres. The wider site borders Marcle Ridge and falls from west to east towards the small hamlet of Rushall. The hamlets of Little Hill and Hill End lie to the northern extent of the applicant's land and Firs Farm lies to the south.

Further information on the subject of this report is available from Mr C Brace on 01432 261947

- 1.6 The proposal is for the erection of a temporary agricultural workers dwelling with associated parking and residential curtilage.
- 1.7 Members attention is drawn to the parallel application 173477 for the proposed erection of agricultural buildings; associated infrastructure and landscaping to support a new agricultural enterprise. These buildings and infrastructure form the basis of the new business and requirement for the dwelling under consideration.

2. Policies

2.1 Herefordshire Local Plan Core Strategy

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS4 - Movement and Transportation
- SS5 - Employment Provision
- SS6 - Environmental Quality and Local Distinctiveness
- RA1 - Rural Housing Distribution
- RA2 - Herefordshire's Villages
- RA3 - Herefordshire's Countryside
- RA4 - Agricultural, Forestry and Rural Enterprise Dwellings
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- SD1 - Sustainable Design and Energy Efficiency
- SD2 - Renewable and Low Carbon Energy
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Waste Water Treatment and River Water Quality

2.2 Neighbourhood Plans

The site is located within the Much Marcle Neighbourhood Area. The Neighbourhood Development Plan is at the examination stage. The Neighbourhood Area was designated on 11 September 2013, Regulation 14 draft plan submitted on 4 November 2016 and Regulation 16 plan submitted on 21 December 2017. The Neighbourhood Development Plan was sent for examination on 27 February 2018.

The following policies are of particular relevance:

- Policy SD1 - Sustainable Development
- Policy HO1 - Housing Sites
- Policy HO5 - Exception Sites outside Much Marcle Settlement Boundary
- Objective MM06 - Value and Support Agriculture as an Integral Part of Our Community
- Policy EM1 - Employment and Economy
- Policy NE1 - Landscape

2.3 National Planning Policy Framework

The following chapters are of particular relevance:

Achieving sustainable development

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
7. Requiring good design
11. Conserving and enhancing the natural environment

2.4 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

3. **Planning History**

3.1 162797 – Proposed erection of agricultural buildings and supporting infrastructure. Withdrawn.

162798 – Proposed erection of temporary agricultural workers dwelling with associated parking and residential curtilage. Withdrawn.

The above planning applications on adjoining land were withdrawn on 21 November 2016 primarily for reasons of their adverse landscape impact.

4. **Consultation Summary**

4.1 Statutory Consultations

Natural England has no comments to make on this application, stating *you may wish to consult your own ecology services for advice and The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.*

4.2 Internal Council Consultations

4.3 The Transportation Manager states the proposal is acceptable, subject to a number of conditions and informatives. *These are attached to the recommendation, below.*

4.4 The Conservation Manager (Ecology), has no objection, commenting: Thank you for consulting me on this application. This is an attendant application to 173477 and I have read the ecological report from EDP and would agree with the conclusions. Likewise, for this proposal, there is mitigation and enhancement to be implemented and to ensure this I recommend a number of conditions. *These are attached to the recommendation, below.*

4.5 The Public Rights of Way Manager has no objection.

4.6 The County Land Agent supports the application. Commenting –

- The labour requirements are agreed in that there is a demand on standard time basis for 2 + labour units.

- The house will be for a farm worker/manager to live on the holding, and in my opinion the need is clear due to the number of young calves that will be on milk at any one time and are so vulnerable to sudden sickness that if not caught quickly can quickly cause losses, the other stock do not need 24 hour attention, except the ewes at lambing time when a shepherd could be accommodated in a temporary caravan. A dwelling on site will help to ensure the five freedoms of animal welfare.
- It is agreed that rural crime is on the increase, and it is also agreed that it is a contributing factor to the need for a dwelling, in this case temporary, on site.
- It is agreed that there are no suitable houses in the immediate area, and to cover the requirements it has to be in the immediate area.
- Financial, the proposals are sound and there has been caution in the anticipated forecast prices for the stock and arable enterprises. Due to Brexit and the uncertainty concerning subsidies makes forecasting very difficult, I would not anticipate them to continue at the present level, if at all except for conservation, which may well be higher for specific habitats or improving existing ones. It may prove very challenging to achieve the financial objective in 3 years time.

Summary

In my opinion the proposals should produce an efficient small/medium size mixed farm enterprise in 3 years time capable of sustaining a long term farming business. It is appreciated that the first 4 points may seem trivial, but they do need to be addressed to clarify the future management of the farming enterprise.

It has to be accepted that the return on capital will be minimal and that the long term future of small/medium sized mixed farms looks very challenging.

The proposal for the farm to be a starter farm for a young farmer(s) is very welcome and the applicants are likely to be of a very high quality, such opportunities are few and far between.

In my opinion the proposals have every chance of success.

5. Representations

5.1 Much Marcle Parish Council objects to the application for the following reasons:

- Temporary dwelling not temporary a pre-cursor for a permanent dwelling
- Outside the settlement boundary
- Need not proven
- The impact on Marcle Ridge, which is within the Wye Valley AONB
- Run off from the site into the stream, a priority habitat, then into the River Leadon which is a Nitrate Vulnerable zone
- The Impact on the amenities and the bore hole, which is the only source of fresh water, to the neighbouring properties
- Increase of flooding problem, which will be within 20 metres of the borehole

5.2 Eight letters of objection have been received, comments are summarised as:

- The landowner also owns a Woolhope farm at Bent Orchards SO 618368 and a farmstead at Canwood 612368 – a new greenfield development approved a few years ago on the basis of ag business need, including the servicing of land in Marcle parish.
- Concern regarding increased traffic on the local rural road network
- Impact on adjoining amenity

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- Noise and light nuisance
- Impact on character and appearance of the area
- Conflict with Core Strategy policies SD1, SD3 and RA6
- Impact on property values
- Impact on water supplies
- Impact on wildlife
- Adverse landscape impact
- Concern regarding surface water run off and flooding
- Arable farming, not livestock is practiced hereabouts
- No business case for the proposal
- House in open countryside outside settlement boundary
- Upper Greens Place, owned by the applicant and adjacent to his land would make a much more suitable location. The site is only 250 meters to the North of the proposed site. This would be a preferable location as the agricultural workers dwelling already exists.
- Upper Greens Place previously met and still does meet all the criteria required.
- The proposed dwelling is not temporary, it's a permanent structure

5.3 Ledbury Area Cycle Forum (LACF) objects to the application. Herefordshire Council's Highway Design Guide requires that cycle parking be provided for all new residential developments, in the form of a covered, lockable shed or garage.

The LACF further recommends that the level-access storage area is big enough to store one bike per bed-space, and that it is provided with a power point so that it can be used for parking rechargeable electric cycles and mobility scooters, thereby reducing car-dependency.

In spite of references in the Design and Access Statement to 'the promotion of active travel', P173476/F has no provision for cycle storage and therefore does not meet Herefordshire Council's Highway Design Guide requirements nor LACF recommendations.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173476&search=173476

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 One of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or in the immediate vicinity of their place of work to provide essential supervision and management. The need to make an exception to the general policy approach to development in the countryside in order to meet the requirements of rural businesses has long been recognised and this approach to rural workers has been endorsed by the National Planning Policy Framework.

6.2 Applications for planning permission for new dwellings advanced through Core Strategy policy RA4 will be based on an accurate assessment of the needs of the rural enterprise. Rural enterprises comprise land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services, tourism and leisure enterprises. The sustainability of the business will be scrutinised to ensure any essential need established can be sustained so the criteria set out in Policy RA4 are not abused.

- 6.3 Therefore, in terms of agricultural workers dwellings it will be essential to firstly establish that stated intentions to engage in agriculture are soundly based, reasonably likely to materialise and capable of being sustained for a reasonable period of time. Where proposals are advanced in association with non-agricultural rural enterprises it should also be established that the business could not exist without close and continual supervision.
- 6.4 Policy RA4 – *Agricultural, forestry and rural enterprise dwellings* states:
- Proposals for dwellings associated with agriculture, forestry and rural enterprises will be permitted where it can be demonstrated that there is a sustained essential functional need for the dwelling and it forms an essential part of a financially sustainable business, and that such need cannot be met in existing accommodation. Such dwellings should:*
- 1. demonstrate that the accommodation could not be provided in an existing building(s);*
 - 2. be sited so as to meet the identified functional need within the unit or in relation to other dwellings and*
 - 3. be of a high quality, sustainable design which is appropriate to the context and makes a positive contribution to the surrounding environment and rural landscape.*
- 6.5 Where evidence of the economic sustainability of the rural enterprise is not proven or where an enterprise is not yet established, planning permission for temporary accommodation may be granted for a maximum period of three years to enable the sustainability of the enterprise to be assessed. Successive extensions will not normally be granted. Temporary accommodation should be carefully sited within the unit or in relation to other dwellings.
- 6.6 Dwellings permitted in accordance with this policy will be subject to occupancy controls secured through a Section 106 Agreement. In some situations it will be appropriate to use legal agreements to tie other dwellings to the unit and/or restrict the occupancy of other dwellings within the farm/business unit.
- 6.7 The emerging Neighbourhood Plan states under Policy HO1 – *Housing Sites* criteria C –
- Development proposals for good quality market housing, self-build or custom build, and affordable homes for local people will be supported where they... meet an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near to their place of work and complies with Core Strategy Policy RA4*
- 6.8 Objective MM06 of the NDP is to *Value and support agriculture as an integral part of our community*
- 6.9 The landholding which relates to the proposal was purchased from two neighbouring holdings, The Noggin and Hill End. In total, it extends to some 300 acres located to the west of Much Marcle. The land has been purchased without any farm buildings or residential properties.
- 6.10 The intention is for a standalone farming unit that will run a mixed farming system. The enterprises will include 300 breeding ewes plus lambs that will be finished as fat lambs; a calf rearing enterprise selling to an established marketing company such as Meadow Quality or Blade Farming and a combinable crops enterprise. As far as possible the farm will be self sufficient in terms of animal feed production. The objectives for this business are:
1. To run a profitable and sustainable mixed farming enterprise
 2. To generate value for all partners involved
 3. To help young entrants into agriculture

- 6.11 The principal arable crops will continue to be wheat and oilseed rape. Forage crops will include grass, maize and stubble turnips to be utilised by the livestock enterprises, with maize silage being used as winter forage for the beef enterprise.
- 6.12 A mixed system has been proposed as the most viable option for the business, with suggested benefits including:
- Farm Yard Manure from housing the cattle and sheep (during lambing) can be used on the arable land to add back organic matter and nutrients to the soil.
 - Mixed grazing of cattle and sheep will improve sward quality and will also help to reduce potential health risks and worm burden.
 - The arable operation will provide straw for the livestock operation.
 - A mixed farming system will help to spread the financial risk over a number of enterprises.
 - Buildings will be fully utilised (general purpose agricultural building to be used for grain storage post-harvest and by sheep in the run up to and during lambing).
- 6.13 The sheep flock will consist of approximately 300 breeding ewes, chosen for their relatively high prolificacy and easy care characteristics. The proposal is to graze the flock on some of the grass area with cattle grazing the rest of the grass. Ewes will be scanned in January each year and those scanned with twins or more will be lambed indoors, with singles lambing outdoors. Lambs will be fattened on stubble turnips and sold as finished lambs.
- 6.14 With regards to the beef enterprise, the proposal is for a calf rearing enterprise to be established. The models researched include Blade Farming and Meadow Quality. This requires the business to take in batches of seven day old calves and rear them up to 12 weeks (allowing up to 4 batches per year). Further options under consideration are to take the calves on to approximately 18 months of age and sell as fat cattle and to retain some of the females for breeding if they were deemed to be of good enough quality to establish a suckler herd. The enterprise will be farm assured for both beef and sheep.
- 6.15 Whilst the application is for a temporary agricultural workers dwelling, in the event that permission is granted, the applicants intend replacing that with a permanent dwelling after a three year period, assuming that the enterprise can demonstrate that it is economically sustainable.
- 6.16 The temporary agricultural workers dwelling proposed is considered essential to ensure the new agricultural operation is functional and financially viable as a farmstead. The justification supporting this accommodation requirement is outlined in the Agricultural Needs Report and is accepted by the County Land Agent.
- 6.17 The temporary agricultural workers dwelling is located to the east of the sheep building proposed under parallel application 173477, and set between two existing mature trees. The siting of the temporary agricultural workers dwelling in this location is for two reasons:
- the dwelling is located within sight and sound of the agricultural buildings so that the stocks person can attend to emergency incidences within either proposed agricultural building and
 - the location of the temporary agricultural workers dwelling to the access road is required to provide natural surveillance of people entering the agricultural enterprise.
- 6.18 Furthermore, due to the location of existing mature trees and vegetation which will be supplemented by additional hedgerow planting to the south of the access road, the temporary agricultural workers dwelling will be largely screened from public views from the unclassified road to the east and more broad reaching public views further afield.

- 6.19 The accommodation proposed is a single storey, three bedroom chalet with associated parking and residential curtilage. The dwelling measures 13.5 x 6.8 metres in plan with a height to ridge of 4.64 metres. The chalet is considered to be modest, providing 92 square metres of accommodation, excluding porch. The vehicular access to the temporary agricultural workers dwelling will be the same as for the proposed farm buildings.
- 6.20 In order to ensure that the temporary accommodation is situated on a level platform, a small degree of engineering works will be required. The proposed materials will ensure that the building is sympathetic to the character of the immediate and wider landscape setting. In this respect, it is proposed that the dwelling is finished in horizontal timber boarding set under a timber shingle roof.
- 6.21 The landscape mitigation plan for the overall development under this and the parallel application 173477 includes the creation of a new hedgerow to the south of the proposed access road and additional planting to the west of the existing livestock building which, combined, provide a landscape block reminiscent of the surrounding historic landscape character. An additional copse is to be planted to the north proposed sheep building and temporary agricultural workers dwelling to provide screening and preserve amenity with the neighbouring residential property, *Messcott*. This, combined with location of existing mature trees and vegetation, supplemented by additional hedgerow planting to the south of the access road, results in the temporary agricultural workers dwelling being largely screened from public views from the unclassified road to the east and more broad reaching public views further afield. Appropriate conditions ensure the implementation, retention and management of the landscaping.
- 6.22 On the basis of design, context and landscape impact, the proposed temporary dwelling is considered to meet the relevant policies of the Core Strategy and NPPF.
- 6.23 The Applicant owns a dwelling, Upper Greens Place, which is 600m to the north of the application site. Planning permission under 163596 for a 'replacement dwelling' was granted in January 2017 and its occupancy is not subject to a restrictive conditions. Members should note a current application under 180153 is being considered to vary the previously approved plans.
- 6.24 The applicants' agent advises that the applicant intends to implement this permission as an open market dwelling and once built, states it would far exceed the accommodation requirements of a stocks person. Members are advised that the lack of any occupancy restriction on Upper Greens Place does not preclude its occupation by an agricultural worker. Officers would also state that the basis of that application was to retain an existing undesignated heritage asset, the original modest cottage as an ancillary building, and allow a new build contemporary dwelling as opposed to allowing the demolition and replacement of the cottage which contributes to the character and appearance of the landscape.
- 6.25 The applicants contend that the existing dwelling (or the approved replacement) at Upper Greens Place is not within sight and sound of the livestock that would be housed in the agricultural buildings and therefore, it would not meet the functional requirements of the agricultural enterprise. For this reason, the dwelling at Upper Greens Place is suggested by the applicant as not reasonable, alternative accommodation and it is not available for use as a dwelling associated with the agricultural enterprise.
- 6.26 In landscape terms, it is considered this proposal and that under consideration pursuant to 173477 is preferable and more readily assimilated into the landscape than development at and around Upper Greens Place would be, given the relative exposed nature and greater visibility of that location, including from the Three Choirs Way and Marcle Ridge. It is also considered, albeit marginally, that the proposed site is preferable on highway grounds as it has better connectivity to the main and strategic road network.

- 6.27 The objections raised by third parties are noted but having regard to the lack of objection from technical consultees and the ability to control and mitigate the impact of the development through conditions attached to the recommendation, it is considered that the proposal is worthy of support.
- 6.28 Furthermore, on the basis that the proposal is for a temporary dwelling, and with regards to the criteria of policy RA4, a Section 106 agreement is not considered necessary in light of the temporary nature of the proposal. Should a subsequent permanent dwelling be sought this would need to be secured by a legal agreement restricting occupancy and tying the dwelling to the landholding. As such on the basis of the assessment set out above, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

:

1. **A01 - Time Limit for Commencement**
2. **B02 - Development in Accordance with Approved Plans and Details**
3. **H03 - Visibility Splays**
4. **H09 - Driveway Gradient**
5. **H06 - Vehicular Access Construction**
6. **H13 - Access, Turning Area and Parking**
7. **H20 - Road Completion in 2 Years**
8. **H27- Parking for Site Operatives**
9. **H29 - Secure Covered Cycle Parking Provision**
10. **The recommendations for species mitigation and habitat enhancements set out in the ecologist's report from EDP dated August 2017 should be followed unless otherwise agreed in writing by the local planning authority. A working method statement for protected species together with an enhancement plan integrated with the landscape scheme should be submitted to the local planning authority in writing. The plan shall be implemented as approved.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment) and to comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).
11. **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment) and to comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

- 12. F13 - Restriction on Separate Sale**
- 13. F14 - Removal of Permitted Development Rights**
- 14. F20 - Temporary Permission and Reinstatement of Land**
- 15. F27 - Agricultural Occupancy**
- 16. No development shall take place on the construction of the temporary dwelling as hereby permitted until the agricultural buildings approved under planning permission 173477 have been constructed are ready for use.**

Reason: Having regard to the agricultural need, ensuring the agricultural business is established and to facilitate the integration of the dwelling into the landscape in this open countryside location and to comply with Herefordshire Core Strategy policies SS1, RA3, RA4, LD1 and SD1

- 17. G02 - Retention of Trees and Hedgerows**
- 18. G04 - Protection of Trees/Hedgerows that are to be Retained**
- 19. G10 - Landscaping Scheme**
- 20. G11 - Landscaping Scheme – Implementation**
- 21. I32 - Details of Floodlighting/External Lighting**
- 22. I18 - Scheme of Foul Drainage Disposal**

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. HN01- Mud on Highway**
- 3. HN04 - Private Apparatus within Highway**
- 4. HN05 - Works within the Highway**
- 5. HN10 - No Drainage to Discharge to Highway**

6. **HN24 - Drainage other than via Highway System**

7. **HN28 - Highways Design Guide and Specification**

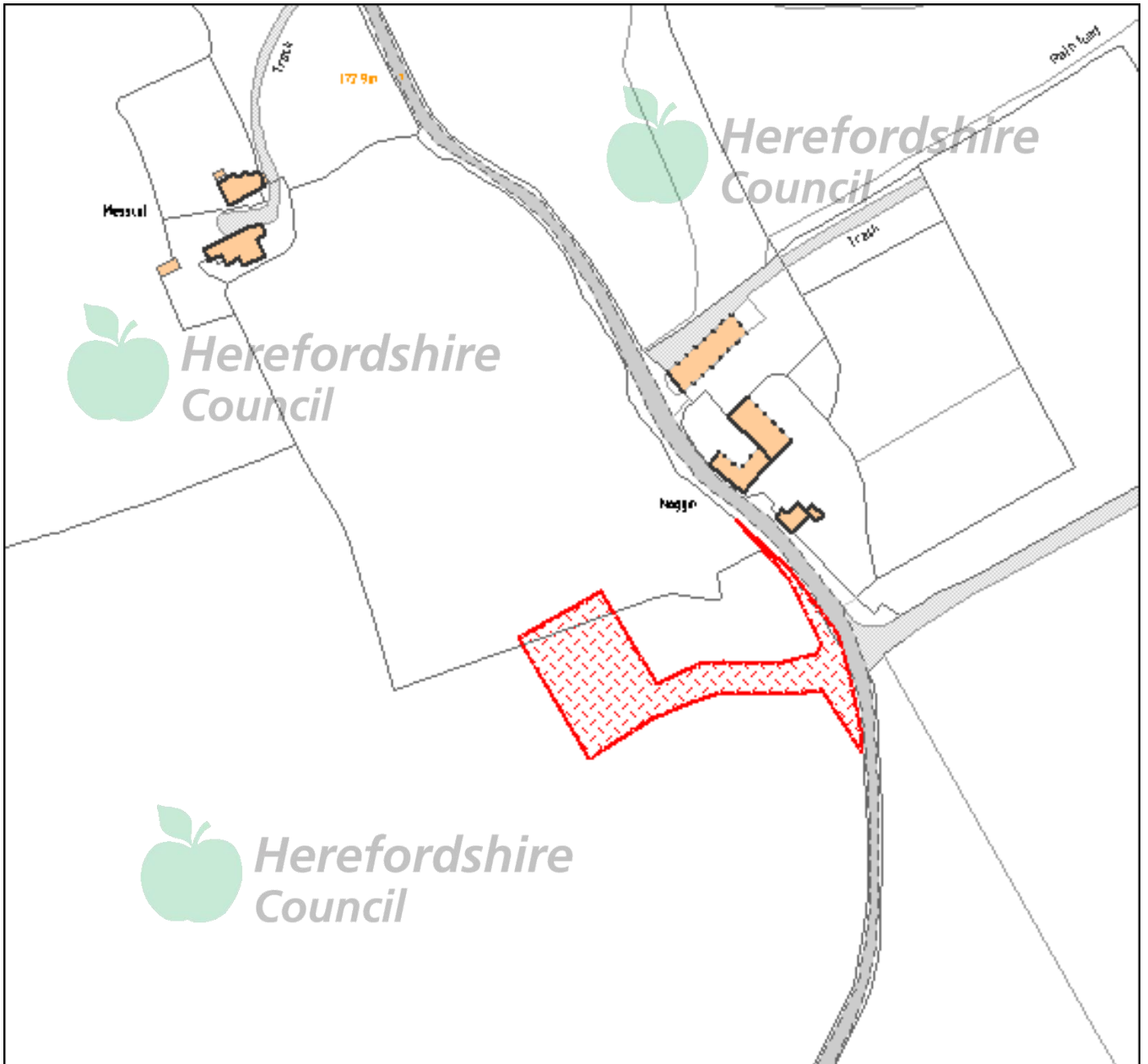
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 173476

SITE ADDRESS : LAND TO THE WEST OF THE NOGGIN, MUCH MARCLE, HEREFORDSHIRE

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