

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	11 February 2020
TITLE OF REPORT:	192969 - SITE FOR POULTRY MANAGERS DWELLING. AT BOWLING GREEN FARM, CLEHONGER, HEREFORDSHIRE, HR2 9SJ For: Mr Whittal per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192969&search=bowling%20green

Reason Application submitted to Committee – Redirection

Date Received: 20 August 2019

Ward: Wormside

Grid Ref: 346275,237195

Expiry Date: 15 October 2019

Local Member: Councillor Christy Bolderson

1. Site Description and Proposal

- 1.1 The application site relates to a parcel of land of approximately 0.11 hectares to the immediate north-west of the four recently constructed poultry units associated with Bowling Green Farm. The site is accessed off the B4349 (A465 – Kingstone) and is located circa 0.7 miles to the east of the village of Clehonger and 4 miles to the south-west of Hereford. The application site is denoted by the red star on the map below.



Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

- 1.2 The site lies at reduced elevation to the B4349 and is accessed via an approximately 400m stoned track derived from the aforementioned highway. The site for the proposed poultry manager's dwelling sits to the immediate north-west of the poultry units and given the topography of the site, would sit at increased elevation on a level platform with extended views towards Allensmore. A mature, native species hedgerow runs along the western boundary of the site. Located within open-countryside, the site is isolated from any adjoining dwellings, the nearest being 'Dunan House' at just over 400m from the application site.
- 1.3 Bowling Green Farm, the host farmhouse, can be found at just over 600m to the north-west of the site. The poultry enterprise consists of the recently constructed poultry units, housing 208,000 birds and is the responsibility of the appointed poultry manager.
- 1.4 Outline planning permission, with all matters reserved save access, is sought for the erection of a dwelling to accommodate the above mentioned poultry manager. The manager is presently living in rented accommodation and is responsible for overseeing the broiler units on the site.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy 2015 (CS)

The following policies are considered to be of relevance to this application: -

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- RA1 - Rural Housing Strategy
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- RA3 - Herefordshire's Countryside
- RA4 - Agricultural, forestry and rural enterprise dwellings
- RA6 - Rural Economy
- 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
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

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

2.2 National Planning Policy Framework (NPPF)

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

2.3 Allensmore Neighbourhood Development Plan (ANDP)

The Allensmore Parish was designated as a Neighbourhood Area on 26 May 2017. The draft plan was sent for independent examination on 27 November 2019. The draft plan is a material consideration and, at its current stage of progression, it is considered to carry moderate weight for the purposes of decision taking.

- A1 - Protecting and Enhancing Local Landscape Character
- A2 - Protecting and Enhancing Local Wildlife
- A3 - Proposed Site Allocations
- A4 - Criteria for Development in Settlement Boundaries
- A7 - Drainage, Flooding and Sewage

https://www.herefordshire.gov.uk/directory_record/5458/allensmore_neighbourhood_development_plan

3. **Planning History**

- 3.1 **P163391/F** - Proposed erection of four poultry units, feed bins, service building, alterations to existing access and associated development – Approved: 4 October 2017

4. **Consultation Summary**

Statutory Consultations

4.1 Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency / Herefordshire Land Drainage Department who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

4.2 Natural England

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Notwithstanding the above, your authority should be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Coöperatie Mobilisation (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17).

The Coöperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.

Competent authorities undertaking HRA should be mindful of this case and should seek their own legal advice on the implications of these recent ruling for their decisions.

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

Internal Council Consultations

4.3 Transportation Manager

The proposed additional dwelling will have a negligible impact on the total vehicle movements from the site which benefits from an adequate access arrangement. The layout is acceptable in terms of parking and turning. There would be benefit in detailing a facility for secure cycle parking within the property, although this can be more appropriately resolved at reserved matters stage.

There are no highways objections to the proposal.

4.4 Ecology

The supplied foul water management scheme appears suitable to allow the LPA to complete the legally required Habitat Regulations Assessment process and submit the required Appropriate Assessment to Natural England for their formal consideration. This process has become more detailed and intensive following recent CJEU rulings on implementation of the Conservation of Habitats and Species Regulations (2017 as amended) and Natural England must return a formal 'no objection' response to the supplied Appropriate Assessment PRIOR to any grant of planning consent. The agreed 'mitigation' must then be secured through a condition included on any consent granted.

Habitat Regulations (River Wye SAC) – Foul and Surface Water Management

All foul water shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate infiltration- soakaway system; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2, SD3 and SD4

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance ("Net Gain") the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested:

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to first occupation evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO bat roosting features, TWO bird nesting boxes, TWO insect 'hotels' and ONE Hedgehog home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement or boundary feature.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2018, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

From information supplied and images available there are no immediate ecology related concerns with this proposal. There are no ecological records of important or Protected Species immediately on or adjacent to the site. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal

offence. In this instance this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition. However a relevant information note is requested:.

Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. Any external lighting shouldn't illuminate any 'natural' boundary feature or increase night time sky illumination (DEFRA/NPPF Dark Skies Guidance 2019/2013).

4.5 Drainage Engineer

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA).

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding.

Other Considerations and Sources of Flood Risk

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

The surface water runoff generated by this proposed dwelling is proposed to be managed via disposal to 2 concrete ring soakaways (1.8m diameter each). These have been designed to accommodate the 1 in 100 year + 40% climate change event using an infiltration rate of $1.03 \times 10^{-6} \text{m/s}$.

Foul Water Drainage

The generated foul water from the dwelling is to be disposed of into a package treatment plant, followed by treatment in a reed bed and final disposal into a drainage field. It has been stated that the Vp value is 98.6s/m. This has generated a drainage field of 98.6m², however we request that this is converted into a linear meterage based on trench width using table 4 from BS6297.

Overall Comment

In principle we do not object to the proposals, however we recommend that the treated effluent drainage field is converted into a linear meterage using table 4 from BS6297. The layout plan should be updated to reflect this and demonstrate the configuration of the spreaders (they should be connected to prevent build up of debris).

4.6 Agricultural Business Consultant – Objection – No essential need. An extract of the consultation response is found below. The full response can be viewed on the Council's website.

As way of background, Clause 83 of the National Planning Policy Framework (NPPF) states that local planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses;

In accordance with Clause 79 of the NPPF, planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more circumstances apply including where

a) “there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside”

The reference to the essential need for a rural worker.....to live permanently at or near their place of work, originated from clause 10 of PPS7, which went on to recommend that planning authorities should follow the guidance in Annex A to PPS7.

Despite the status of the NPPF, Annex A of PPS7 provided clear criteria to assess the ‘essential need’ for a dwelling. This guidance is tried and trusted and continues to be used by professionals and accepted as a process for assessing essential need by planning inspectors, and one which I continue to use.

Importantly Policy RA4 of the Core Strategy - Agricultural, forestry and rural enterprise dwellings, clearly reflects the criteria of justification as set out in Annex A. In July 2019, further guidance was added to the Planning Practice Guidance (PPG) under the Rural Housing section of Housing Needs of Different Groups, with regard to considerations that might be relevant to take into account, when applying paragraph 79(a) of the NPPF. These are:

- *evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products;*
- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

In summary, the discontinued Annex A of PPS7, paragraph 79(a) of the NPPF, now read in conjunction with the recent PPG guidance, plus CS Policy RA4, all reflect similar areas of requirement in making a case for there being an essential need, all of which I shall cover.

Functional Need

The most frequent reason for a functional need for a rural worker to be permanently based on a site is so that there is somebody experienced to be able to deal quickly with emergency animal welfare issues that are likely to arise throughout the year and during the middle of the night.

Aside from emergencies, the day to day management of a broiler unit has to be meticulously planned for, with routines varying with each stage of flock development. When birds are 'in', this will involve checking the birds a few times a day and sometimes late, depending at what stage, plus monitoring the automated systems.

During normal working hours, and during the periods when birds are in, there would be a worker in and around the poultry buildings. The need for a worker to be based nearby therefore arises during the night time hours when there could conceivably be breakdown in the automated system

As previously referred to, the unit is fully automated and alarmed and linked to phones, and so if anything seriously became amiss then whomever selected would be immediately aware. The important factor is here that there should be somebody readily available who can make the correct decision and take the right action in the event of a system breakdown. In the case of a power cut, then it would still be important for somebody to get to the site promptly to make sure the automatic generators have kicked in and the system up and running.

Reacting quickly would especially apply to the latter part of the rearing cycle when the body mass of the birds will make them more vulnerable to quick deterioration if there was for instance a break down in the system causing sudden temperature fluctuation. In midsummer this might require somebody getting to the site within minutes.

However unlikely it might be that there is a system failure, there is always the potential for an emergency situation occurring and considering the scale of operation, there is considered to be a functional need for there to be somebody based close enough to be able to get to the site quickly during those periods the houses are occupied, which is a scenario that could occur anytime in the year.

Full Time Labour

It stands to reason that the labour input associated with the enterprise on which one is assessing an essential cannot be a part time occupation. In this case it is clear that the proposed dwelling is for a full-time employee.

Establishment and Viability

A permanent dwelling clearly cannot be considered essential unless the enterprise on which the proposed essential need is based is viable and likely to continue to be so into the foreseeable future.

The sustainability of the proposed enterprise will be reliant on the enterprise being able to survive financially, with a minimum requirement to meet the cost of a full-time worker to justify an on-site presence.

The broiler enterprise is in its infancy and so there will unlikely be any specific accounts available, however I have no doubt that based on the scale of the investment and enterprise that there is no issue here.

Other Dwellings

As way of background it is considered to be important, when employing a specialist manager who may well have a family, to be able to provide accommodation, otherwise it might prove difficult to source the right person.

The approach is to firstly investigate the availability of existing dwellings and ensure that, to quote Paragraph 3 (iv) of Annex A, "the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned".

Taking this into account, one would normally look at the potential availability of any other relevant dwelling(s), in the light of the need of the enterprise. To quote Paragraph 1 of Annex A to PPS7, "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".

In other words, one is looking at whether there are any dwellings potentially available to the farming business that would render the proposal of a new worker's dwelling non-essential. There are no available dwellings in the immediate vicinity, however Clehonger is close by and according to Rightmove there a number of houses for sale for under £300,000, for example from the Pembridge Court development. This is just along the B4349 at under a mile away by road to the broiler unit, which translates to a journey of c2 minutes at 30mph.

Mr Whittal is based at the main farmhouse from which quick access could conceivably be made to the new broiler unit in the event of an alarm being triggered out of hours. However, considering the night-time responsibility for the 12,000 free range unit currently rests with Mr Whittal already, and he is away at times out of hours in connection with the seed business and working machinery often late into the day, little weight can be given to the proximity of the farmhouse.

An important factor is that a dwelling away from the poultry unit is going to be a more desirable environment for a manager who might have a family and the proximity of Clehonger offers that opportunity. A common reason for it being desirable for a poultry manager to be sited close to a broiler site is for security, however, this does not justify such a requirement as essential.

Conclusion

There is no essential need for the proposed dwelling due to there being other available dwellings nearby that could satisfy the functional need in respect of the broiler enterprise.

Further comments made following additional information from applicant and representations received: -

Many of the poultry units I have looked at over the years, eg for egg production or broilers, are often in remote locations well away from any settlement.

The case cited by the agents (191221 – Land at Bleathwood) was a good example. The nearest 'potentially' available dwelling was over 2 miles away along narrow lanes which was considered too far to enable somebody to get to the site quickly enough.

It is my opinion that it is not essential for the poultry manager to be in the immediate vicinity of the buildings, but it is essential for there to be somebody based nearby, who could in the event of a breakdown in the system or security breach, get to the site quickly.

The Pembridge Court housing development is close by, and on the eastern edge of Clehonger, and in my opinion a dwelling here comes within that criterion.

No onsite dwelling

A good local example that springs to mind would be Herefordshire Council Application P162556/F which was an involved application for the erection of two broiler units and associated development on a green field site.

Due to the flood plain there would be nil chance of a future rural worker's dwelling yet the application went ahead and was permitted. The intention was for this unit to be managed remotely.

Inclement Weather

Of course, this is a factor. However in the same way, due to health and safety, a worker living 'on site' would need access to the outside world at all times, the farm would surely make sure that the access road would be unobstructed for a worker to get to the site if for instance he or she was living close by and of course for feed lorries etc.

5. Representations

5.1 Clehonger Parish Council – Support

The Clehonger Parish Council has discussed the planning application 192969 and are in support of the outline proposal for a poultry manager's dwelling at the location.

Clehonger Parish Council made the following additional comments; -

I understand comments about the above application for a dwelling on site for the poultry manager of the poultry unit on this site. At our last meeting Clehonger Parish Council indicated that they supported this application. It has now been further discussed at our Parish Council meeting on 14th November and all were agreed that in view of comments on the planning website from Mr Fox, the land agent, we should make a further response. Mr Fox maintains that there is no essential need for this dwelling as other accommodation is readily available within the nearby village of Clehonger and within reasonable reach of the unit in an emergency. In view of local knowledge of recent extreme weather events we have to refute this, as the route from Clehonger to Bowling Green Farm and the poultry unit is very susceptible to blockage as a result of heavy snowfall and flooding, causing traffic chaos and risk which potentially takes days to resolve, in exactly the conditions which would be a crisis for management of the welfare of the poultry involved. We would be grateful if this could be taken into account in your decisions

5.2 Allensmore Parish Council – support.

The Allensmore Parish Council has discussed the planning application 192969 and have no objections to the outline proposal for a poultry manager's dwelling at the location.

5.3 **23 Letters of Support** have been received, which include those from veterinary professionals and the National Farming Union (NFU) and Avara Foods. The content of the letters can be summarised as follows; -

- Flooding and heavy snowfall between the application site and Clehonger means that commuting to the site from the village (Clehonger) is inappropriate given that the road can become impassable.
- The report from the Land Agent does not take into account local knowledge.
- System failures at poultry units are more common during adverse weather.

- Dwelling would be situated to provide around the clock care for the health of the birds, prevention of disease and for site security.
- Under the Animal Health Act, somebody needs to be on site to respond should an emergency occur.
- Common for managers to be onsite with poultry units at Madley and Kingstone having two managers' homes on site.
- A manager living on site would limit the reliance on technology systems
- Dwelling would have no impact on the community
- Residents of Pembridge Court would not welcome comings and goings during the night pertaining to the response to emergencies at poultry units.
- Defra code states that birds must be checked twice a day.
- In the event of a breakdown, a qualified member of staff would need to respond rapidly.
- The house needs to be large enough to accommodate a family and would require space for a farm office – these needs are not met by off-the-shelf houses.
- Application similar to 181925 (rural workers dwelling – Sherrington Manor) which was approved.
- A manager may be required to attend several alarm calls in a single night and must respond to each given that build ups of CO2 can lead to suffocation.
- Theft and vandalism have implications with regards to bio-security and health and safety.
- Present levels of performance in broiler production are as a result of the very highest levels of husbandry.

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=192969&search=bowling%20green%20farm

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

Policy context and Principle of Development

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Allensmore Neighbourhood Area where the Allensmore Neighbourhood Development Plan (ANDP) is presently at the examination stage. At this time the policies in the ANDP can be afforded moderate weight as set out in paragraph 48 of the National Planning Policy Framework 2019, which itself is a significant material consideration.

6.3 Despite the relatively recent adoption of the CS, the Council is unable to demonstrate a 5-year housing land supply. As set out in paragraph 11 of the NPPF, in such circumstances the relevant policies in the Development Plan for the supply of housing should not be considered to be up to date. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development and for decision takers, this means approving development proposals that accord with the development plan without delay. Where there are no relevant development plan policies or the policies which are most important for determining the application are out of

date, permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

- 6.4 This goes back to the weight to be afforded to policies relevant for the supply of housing with an absent 5 year supply. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development as set out at Paragraph 79. It is therefore considered that Policies RA1, RA2, RA3 and RA4 of the Core Strategy continue to attract significant weight and in any case, it is a matter for the decision-maker to ascertain the degree of weight to be attributed to these policies, taking into account the specific context of the case.
- 6.5 In the context of this case, it is noted that the ANDP, which only attracts moderate weight at present, is silent on the provision of residential development for rural workers and instead focusses attention to residential development within the identified settlement boundaries of Allensmore, Cobhall Common and Winnal. It is therefore considered appropriate to assess the proposal against the relevant policies of the CS, namely Policy RA2, RA3 and Policy RA4.
- 6.6 With the above in mind, it is acknowledged that the application site is found within open-countryside, that is, it is not found within or adjacent to any identified settlements as listed at Policy RA2 of the CS. Therefore, it is in a location where residential development is restricted to certain exceptions and is thus in conflict with Policy RA2. Where conflict with Policy RA2 is established, Policy RA3 of the CS is engaged, setting out a list of exceptions. One excepted criteria is stated under criterion 1 of this policy and is where a proposal meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4.
- 6.7 Noting that the application is for a poultry manager's dwelling on the site of the recently constructed poultry units, Policy RA4 is thus engaged. It states that proposals for dwellings associated with agriculture, forestry and rural enterprises will be permitted where it can be demonstrated 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. This is a policy objective which aligns with aims and objectives of paragraph 79 criterion 1 of the NPPF.
- 6.8 Policy RA4 states that 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.
- 6.9 As this application is made in outline, matters relating to scale, appearance, layout and landscaping are reserved for future consideration under any forthcoming reserved matters application subject to the approval of this outline application. As such, criterion 3 of Policy RA4 is not of pertinence to this application and instead the main consideration is whether the principle of a dwelling on site is acceptable.
- 6.10 Applying RA4 to the case, whilst the poultry enterprise is fledgling in nature, the financial stability of the wider business is by no means contested given the scale of the investment undertaken, also having regard to the fact that the poultry enterprise forms part of the wider enterprise owned and operated by the applicant.

- 6.11 RA4 states that proposals for new agricultural workers dwellings will be supported where it can be demonstrated that there would be a sustained functional need, and the supporting text to the policy at 4.8.27 outlines that such needs typically relate to providing essential supervision and management. In the case of this application, it is considered that in the context of the poultry units, the essential need for a worker to live on site arises from the need to respond quickly to any alarms or systems failures. This is mostly during the night, as during the day there would be a worker on the site given that the day-to-day operation of the enterprise is followed to a strict routine (i.e undertaking requisite checks and scheduling and taking feed deliveries).
- 6.12 Therefore, outside of 'normal working hours' it is fully accepted that it is vital that such issues are dealt with expediently; both for the welfare of the birds and to prevent harm occurring to the business if a crop is lost. Acknowledgement is had to the fact that the poultry units are fully automated with links to named contacts; in the first instance this would be the appointed poultry manager. As such, for any emergency at the poultry unit (i.e. heating systems failure), the manager would be alarmed immediately in the first instance. With this in mind, it is recognised that there is a functional need for a suitably qualified worker to be based close enough to be able to respond to any emergency in time, whatever the probability of such scenario arising. However, the alarm systems are designed to reduce the burden on the responsible worker, therefore reducing the requirement for them to be on site around the clock. With this at the forefront of one's mind, whilst the benefit of being within 'sight and sound' of the units as to listen out for any mechanical failures before the sounding of the alarm is appreciated, this is arguably not essential.
- 6.13 With the functional need of having a key worker located within close proximity to the site having been established, Policy RA4 sets out that proposals for new dwellings will only be supported where the identified functional need cannot be met in any existing accommodation. It is recognised that there are no other dwellings within the immediate vicinity. However, the site's close proximity to Clehonger at just over 1 mile to the west of the application site (by road) is pertinent. The Pembridge Court development comprises a range of new build dwellings located to the eastern side of the village and close to the Seven Stars Public House. The proximity of these dwellings to the application site is less than 1 mile distant, with journey times often taking under 2 minutes.
- 6.14 According to Rightmove, there are a number of three and four bedroom dwellings available at Pembridge Court and other locations within the village. A dwelling 'off-site' could be considered to provide for a more desirable environment and living standard, especially for a manager who may have a family, with these views concurring with those of the Agricultural Business Consultant. It is appreciated however that the application is predicated on the need for quick access to the units and not the desirability of the dwelling or its setting and it is noted that this assessment should not take into account the personal preferences of those involved.
- 6.15 Journey times to the site from the eastern portion of Clehonger are less than 2 minutes. In cases of an alarm being sounded during the night, the view is held that one, in the case of an emergency, would unlikely invest considerable amounts of time on unnecessary procedures such as getting washed, or closing the gates behind oneself. As such, the comparative response time from residing on site or in a dwelling in Clehonger, given its very close proximity, is likely to be negligible. Moreover, it is noted that no prescribed emergency response times have been provided and therefore whilst it is entirely accepted that the sooner such incidents are dealt with the better (i.e in the interests of health and crop yield), the nominal times and distances involved in this case are not deemed unacceptable.
- 6.16 Following on from the above paragraph, it is acknowledged that it is a requirement for decision-making to be consistent. However, it is also necessary to advise that this application is assessed on its own merits, taking into account the geographical setting of the site. The applicant has provided a number of instances whereby agricultural workers dwellings have been approved. Noting that the nature and characteristics of these cited cases are all inherently

different, the one generalisation that can be drawn is their comparative isolation which when viewed alongside this application site are entirely absent of any other dwellings which could be argued to provide accommodation to fulfil a functional need of an agricultural enterprise.

- 6.17 Noting representations relating to the impact vehicular movements would have on residential amenity of neighbours within Pembridge Court, it is considered that such an arrangement is not dissimilar to residents who work night-shifts and therefore are regularly traversing through the estate during hours which could be considered unsociable. Further to this, the received representations raise concerns with regards to the suitability of an off-site dwelling (i.e one within the village of Clehonger). As with any other profession where one is 'on-call', provision is arranged to handle such instances accordingly.
- 6.18 Noting further supporting representations and submitted information, the issues relating to inclement weather and the implications this could have on a dwelling off site have been considered. Whilst it is accepted that inclement weather may result in increased journey times to the site from alternative accommodation, this argument can be run for a plethora of other dependent enterprises and the service sector alike. In terms of inclement weather by way of snow and ice, it is noted that the B4349 is a Herefordshire Council maintained highway whereby it is salted during freezing temperatures. However, it is acknowledged that there are, albeit rare occasions whereby the road becomes impassable, namely as a result of drifting snow or through flooding, especially over the past year and as cited by the representations received from those living in the locality. Notwithstanding this, the site's location is considered to be rather well positioned in the event of adverse weather events compared to communities in more remote parts of the county, especially with regards to snow and ice.
- 6.19 However, in cases where inclement weather is forecast and thereafter results in the B4349 becoming impassable, precautionary measures would be implemented. It is understood that a worker living 'on-site' would in any case need access to the outside world during periods of adverse weather (i.e to access shops and services) and access to the units would need to be maintained for regular feed lorry arrivals. Therefore, appropriate precautions to tackle such issues could include the stationing of a static caravan on site as it is noted this is lawful for up to 28 days per 12 month period. Further, the benefit of weather forecasting and weather warnings would allow for the poultry manager to be adequately aware and prepared for the likelihood of adverse weather and implement contingency plans in order to be adequately equipped and capable to deal with any emergencies, reducing the risks of not being able to access the units in the event of an emergency during poor weather.
- 6.20 Security of the site is a matter raised by both the applicant and in the received representations in support of the application. It is understood that rural crime is a growing concern at present. The applicant has stated that there is a record of some intrusion to the applicants land although the intent of such incident has not been proven. Moreover, updates from the applicant regarding increases in animal activism as documented by the Police are noted.
- 6.21 Taking the above concerns into account, it is understood that the units are fully alarmed and contain up-to-date security systems. It is appreciated that such systems can be, and unfortunately have been, destroyed by criminals and this concern is not discounted. However, despite the understanding that the applicant who resides at Bowling Green Farm to the north of the units is already involved in other parts of the business, there is an established presence close to the access to the site of the B4349. Moreover, the site is not visible from the B4349 and therefore would not be seen as an easy target to passing criminals, especially given the long single entrance and exit road. Noting the presence of the poultry manager in the village of Clehonger together with surveillance technology, it is considered that any such criminal activity could be responded to within an acceptable time frame. As such, the level of threat is not considered to be so substantial that it would warrant a dwelling on-site for this reason alone. With any agricultural complex, there will always remain an element of risk and maximum

security can never be guaranteed and as in the above instance of inclement weather, adequate provision can be made to reduce such risks.

Highways and Access

- 6.22 CS Policy MT1 relates to the highways impacts of new development, requiring development proposals to demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. It also sets out under criterion 4 that developments should be designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space, having regard to the standards of the Council's Highways Development Design Guide. This approach accords with the principles outlined in Chapter 9 of the NPPF, in particular Paragraphs 108-9 which advise that it should ensure that safe and suitable access can be achieved for all users and that development should only be refused on highways grounds if there would be an unacceptable impact on highways safety.
- 6.23 The proposed dwelling would be served by the existing access track which is taken from the B4349 some 400 metres to the north. It is considered that the provision of a single new dwelling would lead to negligible intensification in the use of the access relative to the current, given the existing use. Whilst the details regarding the layout are reserved for future consideration and the submitted drawings are only indicative, it is clear that an appropriate layout could be accommodated given the size of the site, allow for sufficient parking and turning. The Council's Transportation Manager does not object to the proposal, and no conflict with policy MT1 is identified.

Ecology and Habitat Regulations Assessment

- 6.24 The site in this instance also lies within the catchment of the River Wye Special Area of Conservation (SAC). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value. Under the Conservation of Habitats and Species Regulations 2017, Herefordshire Council has a legal duty to assess the potential impact of new developments in this area by undertaking an 'Appropriate Assessment' (AA) which must be able to determine with scientific certainty that there would be no 'likely significant effects' upon the designated site. The obligations are embodied with CS policies LD2 and SD4, as well as the guidance of the NPPF.
- 6.25 The proposal has been assessed by the Council's Ecologist and a Habitats Regulations Assessment – Screening and Appropriate Assessment has been undertaken. This concludes that due to the mitigation included with the proposal and secured via planning conditions, it is considered to mitigate against any 'Likely Significant Effect' on the River Wye Special Area of Conservation. This document has been sent to Natural England for consultation, who concur with the Council's HRA conclusions and so have no objection to the proposal. Therefore in this aspect, the proposal is considered to accord with Policies LD2 and SD4 as it will not detrimentally impact on the biodiversity or ecological significance of the River Wye.

Drainage

- 6.26 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where

evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

- 6.27 The scheme in this instance proposes the use of a package treatment plant to manage foul water with treatment via a reed bed and then outfall to a drainage field. In the absence of a mains sewer proximal to the site, this would be an acceptable solution which would accord with the hierarchal approach set out in CS policy SD4. The Drainage Engineer considers the foul water strategy to be acceptable. However, it is required that the stated generated drainage field is converted to linear meterage based on trench width. It is considered that such details could be requested and secured by way of condition to any approval. Surface water from the development will be managed through disposal to two concrete ring soakaways (1.8m diameter each). This is an acceptable method in principle which would accord with CS policy RA3.

Conclusion

- 6.28 Both Core Strategy policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes; economic, environmental and social should be pursued jointly and simultaneously.
- 6.29 The proposal in this instance is for housing, and in the context of a deficit in the housing land supply the application must be considered in accordance with the tests prescribed at Paragraph 11 of the NPPF and policy SS1 of the CS. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole or specific policies in the framework protecting areas of assets if particular importance provide a clear reason for refusing the development.
- 6.30 In this case, the application site is divorced from the nearest settlement (Clehonger) which has been identified as an appropriate location for new housing growth by CS Policy RA2. The site is therefore considered as being unsustainable in a locational sense for open market housing, and the application consequently falls to be considered against the exceptional circumstances set out by CS Policies RA3 and RA4 and at Paragraph 79 of the NPPF. The application has been made on the premise that the new dwelling is required to satisfy sustained essential functional need to have a worker live permanently on the site to manage the existing broiler units. However, there is demonstrated availability of other dwellings within relative close proximity to the site which could adequately accommodate the identified functional need.
- 6.31 In applying the overall planning balance, the proposal for a new residential dwelling in this rural location is found to be without justification and would lead to significant harm in terms of its conflict with the Development Plan by way of promoting unsustainable patterns of development. The scheme would hence not be representative of sustainable development, and as a consequence it does not benefit from the positive presumption set out in in the NPPF and CS. The application is therefore recommended for refusal for the reasons below.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. Having regard to the information provided and taking into account the nature of the existing enterprise, it is considered that the identified functional need of an essential, full-time worker residing near to the site can be met by suitable and appropriate alternative accommodation readily available within 2 miles of the application site and therefore, there is no demonstrated need for a poultry**

managers dwelling to be provided at the site known as Bowling Green Farm Poultry Units.

As such, the proposal would allow new residential development in the open-countryside which would be representative of an unsustainable pattern of residential development, wholly contrary to Policy RA3 and RA4 of the Herefordshire Local Plan – Core Strategy and Paragraph 79 of the National Planning Policy Framework

INFORMATIVES:

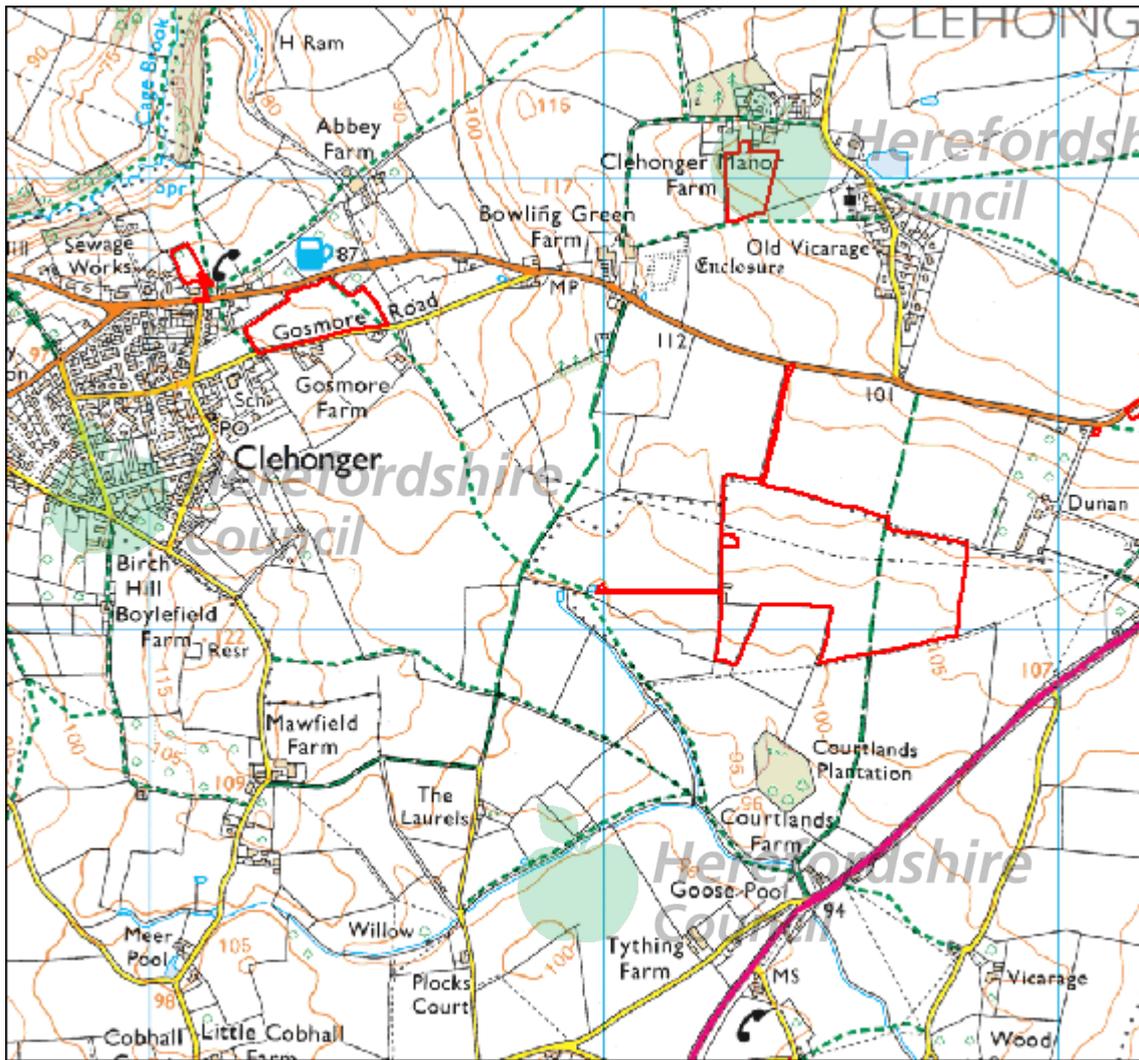
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 192969

SITE ADDRESS : BOWLING GREEN FARM, CLEHONGER, HEREFORDSHIRE, HR2 9SJ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005