

11 DCNC2007/2669/O - SITE FOR THE ERECTION OF ONE BUNGALOW FOR AGRICULTURAL WORKERS DWELLING AT LYNCROFT, BADLEY WOOD, WHITBOURNE, WORCESTER, WR6 5SJ

For: Mr L Roper per Mr R D Gurney, 56 Malvern Road, Powick, Worcester WR2 4RT

Date Received:
15th August 2007
Expiry Date:
10th October 2007

Ward: Bringsty

Grid Ref:
69446, 57366

Local Member: Councillor T Hunt

Introduction

The application was deferred by the Northern Area Planning Sub-Committee on 14th November 2007 with a request that audited accounts be submitted, in accordance with the recommendation of the County Land Agent. These have been submitted and confirm that the net profit of the business is in excess of the minimum agricultural workers' salary of £13,716. The accounts also make provision for annual capital costs to build the proposed dwelling.

In light of the receipt and acceptance by the County Land Agent of the audited accounts, the issue previously raised by committee is addressed.

A further query has been received from one of the objectors regarding the possible use of a building granted planning permission by Malvern Hills under application reference MH90/1768. This is some distance from the application site and would fail the test of PPS7 in terms of being within sight and sound of the premises that it is intended to serve.

The original report now follows:

1. Site Description and Proposal

- 1.1 The application is made in outline and seeks permission for the erection of a single dwelling at Lyncroft, Whitbourne. The site falls outside of any settlement boundary, where there is a fundamental presumption against new build residential development unless it accords with the recognised exceptions outlined in UDP Policy H7.
- 1.2 All matters, with the exception of means of access, are reserved for future consideration. Outline applications are required to include information as to the scale of the proposal. In this instance a bungalow of 15 x 8m is proposed, into a ridge height not exceeding 6m. The location is as indicated on the 1:500 block plan.
- 1.3 The applicant is the owner of a hydroponics business growing a range of herbs and other crops. He also keeps a flock of 38 ewes and 8 Tamworth sows. Lambs and sows are eventually slaughtered every year with the meat being sold locally. A third element to the business is an egg packaging process whereby eggs are delivered to

the site, re-packaged and sold on. This amounts to approximately 500 dozen eggs being sold each week.

- 1.4 The applicant currently resides in a mobile home shown adjacent to the application site on the 1:2500 site location plan. This was granted a temporary permission for a period of three years under the appeal allowed on 12th November 2001 and renewed by application reference NC2004/3875/F for a further three years. The temporary permission is set to expire in July 2008.
- 1.5 The application is supported by an agricultural appraisal which seeks to demonstrate that both a functional and financial need exist for permanent residential accommodation on the site.
- 1.6 The application site is located in open countryside with no immediate neighbour. A series of buildings and polytunnels are located on the site and serve the existing business. It sits in a natural hollow and is well screened from all directions by mature vegetation.

2. Policies

- 2.1 National Guidance
Planning Policy Statement 7 - Sustainable development in rural areas
- 2.2 Herefordshire Unitary Development Plan
H7 - Housing in the countryside outside settlements
H8 - Agricultural and forestry dwellings associated with rural businesses

3. Planning History

- 3.1 NC06/2022/O - Site for the erection of an agricultural workers dwelling - Refused 07/12/06. The application was refused for the following reasons:
 1. The local planning authority is not satisfied that the application demonstrates an overriding functional requirement for the provision of a permanent dwelling at this location. Accordingly the proposal is contrary to Policy H20 of the Hereford and Worcester County Structure Plan, Policies H7 and H8 of the emerging Herefordshire Unitary Development Plan and Planning Policy Statement 7.
 2. The local planning authority is not satisfied, on the basis of the submitted trading accounts, that the enterprise can sustain the capital costs involved in erecting a new dwelling. As such the long-term financial viability of the holding is not proven in accordance with Annex A to Planning Policy Statement 7. The development is thus contrary to Housing Policies 7 and 8 of the emerging Unitary Development Plan.
- 3.2 NC2004/3875/F - Renewal of temporary consent for the siting of a mobile home - Approved 25/07/05
- 3.3 NC2004/3872/O - Site for the erection of an agricultural workers dwelling - Refused 29/09/05
- 3.4 NC2001/0174/F - Retention of mobile home, hen house, 2 portacabins and 2 garden sheds Refused 3/4/01 Appeal allowed

- 3.5 NC2000/1404/F - Retention of mobile home, hen house, 2 portacabins and 2 garden sheds - Refused 22/8/00
- 3.6 NC99/2294/F - Erection of an agricultural workers dwelling - Refused 24/11/99
- 3.7 MH96/0646 - Mobile home Approved 10/12/96
- 3.8 MH92/0694 - Portacabin, ancillary buildings for free range egg production - Refused 6/10/92

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Transportation Manager - No objections
- 4.3 County Land Agent - Has reported in detail on the proposals but concludes as follows:

In my opinion the hydroponics enterprise does need a worker on site on a full time basis, in that if there is a problem with water flow or electricity serious losses could arise. The business has a long term future and the potential to expand.

The stock enterprise is too small to justify residential necessity in that 16 farrowings and 38 lambings could be administered to from a temporary caravan, as could any animal welfare requirements in case of sickness.

The SMD and financial requirements are met. (The latter subject to the accounts provided being audited). The long term future of the stock enterprise needs to be secured by the obtaining of extra land for the pig enterprise as mentioned in (d) above.

Therefore subject to the above points being satisfactorily cleared up the application is satisfactory in my opinion.

5. Representations

- 5.1 Whitbourne Parish Council - No objections
- 5.2 Two letters of objection have been received from the following:
- Mr R Slater, Pat Brook, Badley Wood, Whitbourne
 - Mr & Mrs Galvin, Lincetter Farm, Badley Wood, Whitbourne
- 5.3 In summary, both letters question the economic viability of the business as it relies on activities that are not directly associated with the land and that the keeping of sheep and pigs do not require permanent on-site supervision.

Agricultural Appraisal

- 5.4 The appraisal opens with a brief description of the buildings and land controlled by the applicant. Owing just 8 acres, the remaining 18 acres are rented informally from neighbours.

- 5.5 The business has three arms and these have been described previously, but are basically hydroponic production of herbs and a range of other crops, livestock and egg re-packaging and sale.
- 5.6 As part of the history of the site the appraisal identifies the fact that a series of planning permissions have been granted on the site, including temporary permissions for mobile homes, first in connection with a free-range poultry business and later, after the flock contracted a serious disease and was destroyed in 1999, and latterly in connection with the hydroponics business. A temporary permission has therefore been granted since 1996 on three separate occasions.
- 5.7 The appraisal goes on to make an assessment of the business against national and local policies. It concludes that a functional need exists particularly in connection with the hydroponics part of the business as it is sensitive to emergencies arising, most commonly from fluctuations in temperature and electrical failures.
- 5.8 It also concludes that there are sufficient man-days generated by the day-to-day operation of the site to warrant the provision of permanent accommodation.
- 5.9 With regards to the financial aspect of the business, the appraisal highlights a continuing upward trend over the past four years. In the year ending 31st March 2004 a loss of £384 was made, with profits of £7,281, £12,781 and £16,963 for the corresponding periods in 2005, 2006 and 2007 respectively. It concludes that on the basis of these figures the financial test is met.
- 5.10 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The application seeks outline permission for the erection of a rural exceptions house at Lyncroft. The application falls to be considered against policies H7 and H8 of the UDP and advice contained within Planning Policy Statement 7 - Sustainable Development in Rural Areas. H7 (1) allows for development that is "clearly necessary in connection with agriculture or forestry and cannot be located in a settlement and complies with H8.
- 6.2 H8 offers further criteria against which applications for agricultural worker's dwellings should be assessed. Principally there must be a demonstrated that there is a long-term genuine need for the dwelling as an essential part of a financially viable business and that such need cannot be met in existing accommodation. PPS 7 also offers advice in this respect by stating that there should be:
- "...a clearly established existing functional need;"
- 6.3 The policy goes on to describe development requirements where development is acceptable, together with the necessity for occupancy conditions and restriction of separate sale.
- 6.4 In this instance the business is established and it is appropriate to consider a proposal for a permanent dwelling, rather than a mobile home, particularly as temporary consent has previously been granted and PPS 7 makes it quite clear the local planning authorities should not normally grant successive extensions to a temporary permission over a period of more than three years.

Officer response to the agricultural appraisal

- 6.5 The loss of the poultry flock is significant in that the disease contracted requires that the land is not occupied by poultry for a number of years, although no time scale is given. It is this situation that has given rise to the importation, re-packaging and sale of eggs from the site. In allowing the appeal in 2001, the Inspector appeared to accept this as part of the diversification of the business.
- 6.6 A closer examination of the figures provided to substantiate the financial requirement for a dwelling indicate that the egg re-packaging accounts for approximately 60% of the gross income over the three year period 2004-06. By 2007 this is reduced to less than 50% of the gross income, but more significantly it is noted that the combination of income generated from the hydroponics, pig rearing and other produce amounts to £20,166. The figures demonstrate that the business is continuing an upward trend in terms of financial viability and moreover that there is less dependency upon the egg packaging aspect of the enterprise.
- 6.7 The County Land Agent highlights that there is a lack of information with regards to the labour requirements for hydroponics. However, he acknowledges that the water supply has to be checked on a four hourly basis, that crops have to be picked and packaged and delivered and that seedlings have to be pricked out into cups. All of these a labour intensive and time consuming jobs. Most particularly the picking and delivery of crops has to occur on the same day to ensure that they do not wilt.
- 6.8 The continued renewal of temporary permissions is somewhat unfortunate as it does not accord with current Government advice contained within PPS7. There may have been some justification for this given the exceptional changes in circumstances through the loss of the poultry flock to disease. Nevertheless this should not continue to influence planning decisions some seven years on and a decision must be taken based on the circumstances as they exist at this moment in time. Based on the fact that the financial viability has continued to develop over a four year period, and that it is clear that the hydroponics element is becoming increasingly prominent, is labour intensive and requires immediate on site supervision, it is concluded that the proposal meets the financial and functional tests set out by PPS 7. As a result it also accords with policies H7 and H8 of the Herefordshire Unitary Development Plan and the application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A02 (Time limit for submission of reserved matters (outline permission))
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 2 - A03 (Time limit for commencement (outline permission))
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 3 - A04 (Approval of reserved matters)
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**
- 4 - A05 (Plans and particulars of reserved matters)**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5 - E28 (Agricultural occupancy)

Reason: It would be contrary to Development Plan policies to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.

Informatives:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

2 - N19 - Avoidance of doubt

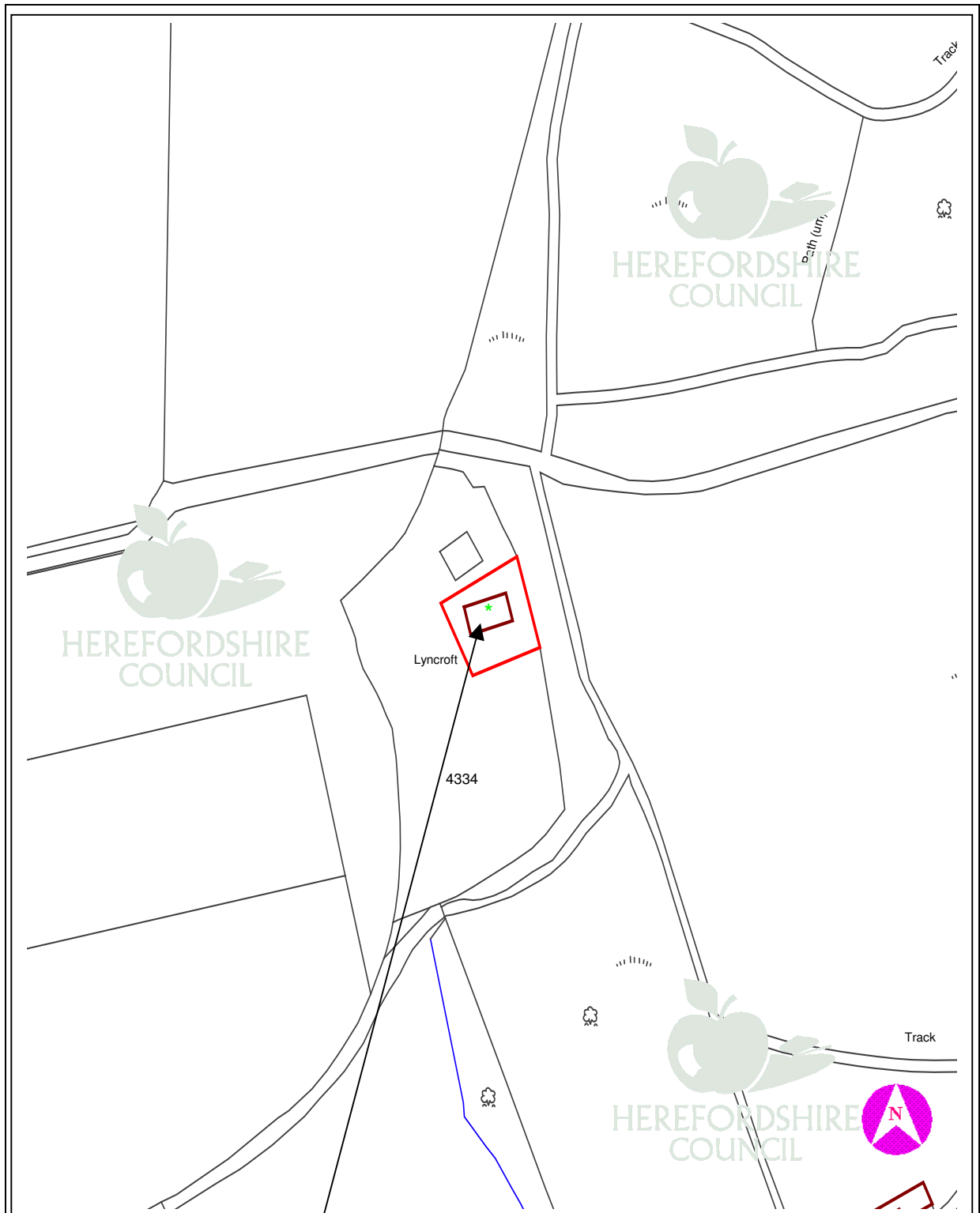
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/2669/O

SCALE : 1 : 1250

SITE ADDRESS : Lyncroft, Badley Wood, Whitbourne, Worcester, Herefordshire, WR6 5SJ

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