

5 DCCE2006/1772/F - SITING OF TEMPORARY LIVING ACCOMMODATION FOR AGRICULTURAL WORKERS. LAND AT WHITETHORN FARM, CAREY, HEREFORD, HR2 6NG**For: Mr. & Mrs. M. Soble, Paul Smith Associates, 19 St Martins Street, Hereford, HR2 7RD****Date Received: 23rd May, 2006 Ward: Hollington Grid Ref: 55900, 31056****Expiry Date: 18th July, 2006**

Local Member: Councillor W.J.S. Thomas

This application was deferred at the Central Area Planning Sub Committee on 26th July, 2006 to allow an inspection of the site. The report has also been updated in light of additional information received.

1. Site Description and Proposal

1.1 The site is located north of unclassified road 72001, west of the hamlet of Carey. Ground levels fall steeply from the road northwards into the site and also from west to east surrounding the site. Immediately south is a small deciduous woodland known as Whitethorn Wood and around 80 metres north of the site are three detached dwellings located on the northern side of unclassified road 72003. An existing gravel track provides access into the site leading to an agricultural storage building for which planning permission was approved last year. The site lies within the Wye Valley Area of Outstanding Natural Beauty and is also designated as an Area of Great Landscape Value.

1.2 Temporary planning permission is sought for the siting of a mobile home on land to the west of the existing agricultural building to be occupied by a full time agricultural worker. Although no period has been specified, the relevant policy stipulates such proposals should be limited to three years. The mobile home would take the form of a timber clad chalet, although the specific design is yet to be selected. The applicants have provided an agricultural appraisal along with supporting letters from a horticultural expert and the Organic Advisory Service to explain the nature of the business and demonstrate the need for residential accommodation on site. These are appended to this report.

2. Policies

2.1 South Herefordshire District Local Plan:

C1	-	Development within the open countryside
C4	-	AONB landscape protection
C5	-	Development within AONB
C6	-	Landscaping within AONB
C8	-	Development within AGLV
SH14	-	Siting and design of buildings
SH17	-	Agricultural workers' dwelling

- SH18 - Imposition of agricultural occupancy condition
- SH26 - Residential caravans/mobile homes

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- S7 - Natural and historic heritage
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscape character and areas least resilient to change
- H8 - Agricultural and forestry dwellings and dwellings associated with rural businesses

2.3 Planning Policy Statement 7 – Sustainable Development In Rural Areas

3. Planning History

- 3.1 CE2006/0400/S - Agricultural building to store hay, straw, animal feeds and general storage. Prior Approval Not Required 28th February, 2006.
- 3.2 CE2006/0403/S - Agricultural glasshouse for raising of plants. Prior Approval Not Required 28th February, 2006.
- 3.3 CE2005/1944/S - Housing for irrigation control equipment and standby generator. Prior Approval Not Required.
- 3.4 CE2005/1124/S - Erection of agricultural building. Prior Approval Not Required 27th April, 2005.
- 3.5 CE2005/0350/F - Construction of farm track. Approved 4th May, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No comment.

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to condition requiring visibility from the access to be improved.
- 4.3 County Land Agent: The project has started and is running well. Much of the capital expenditure has now been spent with the planting of fruit trees, the erecting of storage and office barn, polytunnels, etc. It would appear to be a well run operation with the production and marketing property thought through. The enterprise has every potential to be successful and as such profitable. In summary, the enterprise is imaginative and well planned and justifies a three year temporary permission for the mobile home.

5. Representations

- 5.1 Little Dewchurch Parish Council: Comments awaited.
- 5.2 Thirteen letters of objection have been received from local residents the main points raised are:

- The character of the landscape which is designated as Area of Outstanding Natural Beauty and Area of Great Landscape Value has been adversely affected by recent developments. A mobile home will further detract from the quality of the landscape.
- There are other properties in the locality currently for sale and rent which would provide the necessary accommodation. An existing bungalow in the locality is presently for sale for £185,000 which should be affordable.
- There is no need for 24/7 presence on site.
- There is already a significant increase in noise over weekends and bank holidays from the refrigeration vehicle and other activities which has meant you cannot sit out in the gardens at weekends or evenings.
- A small food processing factory is presently being operated from the site.
- The aim of Planning Policy Statement 7 is to protect the environment, maintaining stable levels of economic growth and employment and concentrate development within existing towns and villages and strictly control development of the countryside.
- Many organic farms across Herefordshire do not have on site accommodation.
- A functional need to live on site has not been proven. Many farmers, market gardeners and other business would like to live adjacent to work but it is not realistic or valid reason for a mobile home.
- Any information that is requested to remain confidential should not be used in the assessment of the application.
- The local highway network is not of a suitable standard for existing and proposed development.
- The accommodation is for the landowners and not for agricultural worker thus the description is misleading.
- The log cabin should be sited in a different location.
- There has been a mobile home on site since July 2005 occupied by seasonal workers and another has been moved on site in the beginning of July. The seasonal workers can provide the essential on site presence.
- The site lies outside of the village envelope for Little Dewchurch.
- The size of the unit is unlikely to be viable in the short or longer term.
- The applicant already owns a property in Hampshire.
- The track and access is not sufficient for the proposed uses.
- There are no long term contracts for the purchase of the goods produced on site.

5.3 Ten letters of support have been received, the main points raised are:

- The small scale sustainable organic farm is a highly desirable project in keeping with the AONB.
- Managing the farm from a dwelling away from the site is not sustainable.
- Only a medium sized van or pick-up will be required to collect daily or weekly goods.
- The recent planting does and will enhance the appearance of the site and screen the buildings.
- The applicants farming practices fully accord with the Council's objectives set out in the Herefordshire Plan.
- There has already been an increase in wildlife due to the applicants sympathetic farming practices.
- There is a lack of affordable housing in the countryside and it is now very difficult for small scale sustainable agriculture to be viable.
- The applicants have intergrated well into the community.

- There are many people in the community who fully support the applicant in their business venture and their efforts in maintaining the viability of traditionally rural food producing area and is a welcome sight.

5.4 The full text of these letters and agricultural appraisals can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The application is for the siting of a mobile home which is intended to be of a twin unit timber clad structure measuring approximately 11 metres in length by 6 metres in width. Although no time period has been specified, the standard period for such proposals is 3 years.

6.2 The applicants holding extends to 18 hectares (44 acres) of Grade 1 agricultural land purchased in September 2004 which in June 2006 gained organic status. The land has been primarily planted with fruit orchards including apples, pears, plums and cherries (7 hectares), soft fruits areas of raspberries, blackberries, strawberries, gooseberries, redcurrants, blackcurrants and jostaberries (1.5 hectares) and 2 hectares of vegetables. A small number of free-range hens proposed to be increased to 100 and 6 breeding sows are also kept on the land. The applicants also propose to start processing on site some of the food produced including the production of cider, fruit juices and jams. Some of the facilities for this food processing operation already exist on site including refrigeration equipment. The ethos of the enterprise being sustainable organic food production.

6.3 Policy H8 of the Unitary Development Plan and advice within Planning Policy Statement 7 states that where the evidence for a long term need for an agricultural workers dwelling is inconclusive or where the enterprise has not been fully established, planning permission for temporary accommodation may be granted for a maximum period of 3 years. The guidance sets out five criteria, which must be satisfied to enable support to be given for such a proposal. These being:

1. Clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions).
2. The functional test to establish whether it is essential for the proper function of the enterprise for one or more workers to be readily available at most times.
3. Clear evidence that the proposed enterprise as been planned on a sound financial basis.
4. 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.
5. Other normal planning requirements such as siting and access are satisfied.

It is against these criteria that the application is being considered.

Clear evidence of a firm intention and ability to develop the enterprise concerned

6.4 A detailed agricultural appraisal has been provided along with a business plan up to the year 2010 including projected financial returns for the period 2006-2010. Much of the basic infrastructure has now been installed on site including an agricultural storage

building incorporating refrigeration equipment, polytunnel for propagation of vegetables, farm track, pumping station and bore hole for irrigation purposes along with the planting of the crops. This evidence and investment alongside the projected business plan indicate a firm intention to develop the enterprise further with good prospects of it becoming viable and sustainable in the short and long term.

Whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times

- 6.5 It must be demonstrated that there is a clear functional need to live on site at most times. The example referred to in PPS7 and widely recognised and used by the Council and Inspectors on appeal is that workers need to be on hand, day and night to care for animals or agricultural processes at short notice or deal with emergencies that may lead to the serious loss of crops. Activities associated with food processing as opposed to agriculture cannot be used to justify a mobile home.
- 6.6 There is presently only a small amount of livestock on the holding totalling six pigs and a few free-range hens. Whilst the breeding pigs will produce around twelve litters a year totalling 100 pigs and the number of hens is to be increased to around 100, this amount of livestock housed and farmed in a free range/organic manner does not necessitate any on site presence although it is appreciated that they will require regular and on occasions, night-time inspection. The crop production of fruit and vegetables is also predominantly undertaken in a non-intensive manner and therefore is not susceptible to significant crop failures in the same way that produce grown intensively within polytunnels or greenhouses may be although modern alarmed automated systems with back up generators can now address such problems.
- 6.7 Organic horticulture is very labour intensive and there is also likely to be instances where there is the need to work during unsociable hours or even through the night to harvest the crops, for example. However, this requirement appears to be sporadic and the nature of the business is such that it could successfully be managed from a property in the locality. Furthermore, if there are occasions when there is an essential functional requirement to live on site in connection with a particular activity, although not ideal, this need could be met by a temporary mobile home in the form of a touring caravan which could be taken on and off site as required. Such a situation is not uncommon with farms particularly where animal husbandry is an issue such as lambing or calving periods. Therefore, whilst it would undoubtedly be more convenient to live on site and would assist in the future development of the business, it is not considered essential for the successful functioning of the business for a permanent on site presence.

Clear evidence that the proposed enterprise as been planned on a sound financial basis

- 6.8 The projected business accounts provided for 2006 to 2011 identify a marginal profit of for this year of £5,805. If a standard agricultural wage of around £14,000 is deducted, the profit would obviously turn into a loss. However, the projected figures identify the profits margins progressively increasing in line with the development of the business with a net profit projection for the year 2010 of £61,140. Although the figures are all largely projected and will be reliant on more secure contracts for the purchase of the produce in forthcoming years, the projections appear realistic. Furthermore, it is understandable that as the business is still developing, profit margins will be relatively low in its infancy. As such the information provided would appear to indicate that the

business has been planned on a sound financial basis and has good prospects of being viable in the longer term.

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

- 6.9 The applicant has until very recently rented a property in the locality but there is no security of tenure and they have now been given notice to quit. A number of objectors have commented on the fact that there are currently 2 properties for sale in the locality, one of which adjoins the applicants land. It is understood that the cheaper of these properties for sale at £185,00, which was in need of major renovation has now been sold.
- 6.10 A schedule of currently available accommodation for rent and sale in the locality has been provided. Of the 28 properties listed, prices range from £210,000 to £785,000 and four properties are available for rent ranging from £485 (1 bed) to £1000 per month for a three bed. Whilst this search has not been undertaken by a surveyor or estate agent, it appears a true reflection of the current situation.
- 6.11 It is understandable that as the business is in its infancy they would not wish to undertake capital expenditure purchasing a property although this is not a reason for supporting the application. The applicants case is also centred around the need to live on site and it would not now appear to be their desire to continue operating the business from a property in the locality although the agent advises that another property was sought for rent in the locality last year but it could not be secured. Furthermore, the projected profit margins would appear to indicate that the repayments on a mortgage to secure a purchase is possible. However, it is recognised that this would undoubtedly put further financial constraints on the business but no financial information has been provided to demonstrate that this is not an option. Ultimately, if there was considered to be a functional need to live on or near the site, one of the available properties could well be suitable.

Other normal planning requirements such as siting and access

- 6.12 A timber chalet style construction is proposed which is considered to be the most appropriate design and material given the location of the site within an Area of Outstanding Natural Beauty. The applicants have agreed to amend the siting to bring the chalet nearer to the existing buildings both constructed and approved which will assist in creating a more compact group of development. Ultimately, the development will have an impact on the landscape but the proposal ensures that the impact is minimised. The Traffic Manager considers the access to be acceptable providing the visibility is improved.

Conclusion

- 6.13 There is no doubt that the applicants have worked hard to develop an environmentally and financially sustainable business through organic working practices and a good business case appears to have been formulated. Furthermore, having on site accommodation would undoubtedly assist in the efficient management and development of the horticultural enterprise. However, the essential need for accommodation on or close to the site at most times day and night does not exist.

Therefore, whilst there are many positive merits to the proposals, all the required tests have not been satisfied and the application is recommended for refusal.

RECOMMENDATION:

That planning permission be refused for the following reason:

- 1. The nature of the business does not warrant a functional presence on site or in the locality at most times. As such the development is contrary to Policy SH17 of the South Herefordshire District Local Plan, S8 of the Unitary Development Plan and advice contained within Planning Policy Statement 7 entitled 'Sustainable Development in Rural Areas'.**

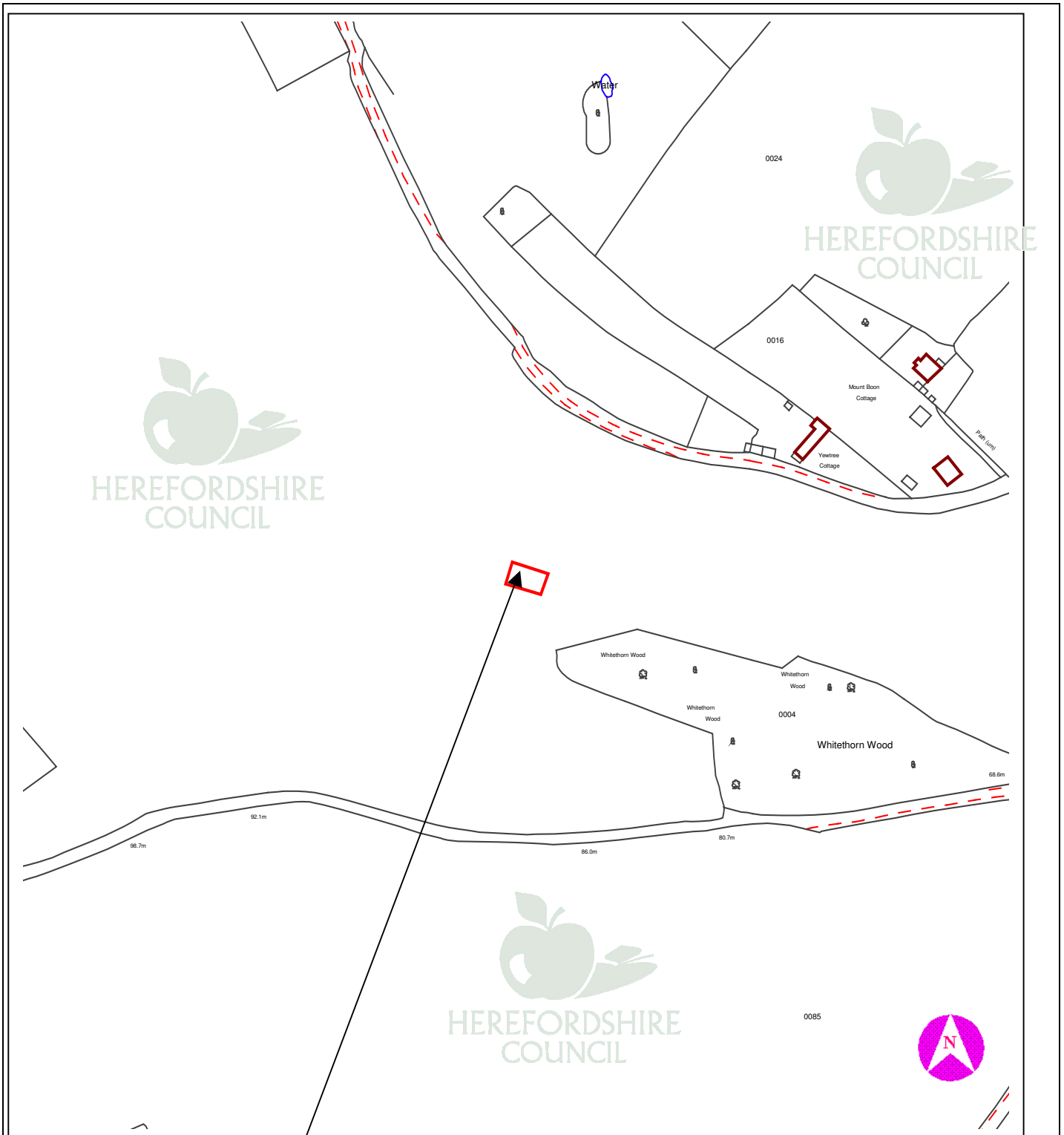
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/1772/F

SCALE : 1 : 2500

SITE ADDRESS : Land at Whitethorn Farm, Carey, Hereford, Herefordshire, HR2 6NG

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