

Application Recommended for Refusal
Briercliffe Ward

APP/2013/0348

Full Planning Application
Construction of dwelling for agricultural worker (resubmission APP/2012/0110)
LEE GREEN FARM TODMORDEN ROAD BURNLEY

Background:

The application is for a new agricultural dwelling at Lee Green Farm, a holding of around 110ha.

Specialist advice sought from the County Rural Land Agent does not support the need for an additional dwelling on the farm.

The proposal is assessed as being in conflict with the development plan and National Planning Policy Framework.

Members of the Council have, under the call-in procedure, requested that the application be considered by the Committee.

Relevant Policies:

Burnley Local Plan Second Review

GP1 – Development within the Urban Boundary

GP2 - Development in the Rural Areas

E30 – Agricultural Worker’s Dwellings

E27 - Landscape, character and local distinctiveness in Rural Areas and Green Belt

Nation Planning Policy Framework (NPPF)

Site History:

93/0719 – Proposed machinery store – Permitted Development

APP/2007/0862 – Agricultural building - granted

APP/2012/0110 - Construction of dwelling for agricultural worker – Refused

Consultation Responses:

Highway Authority – No objections.

Consultant Land Agent (Lancashire CC) – The consultant’s report is that a further agricultural dwelling is not justified as the functional need can be met by the existing dwelling. [*Reference to that report is made at the relevant parts of the assessment below*]

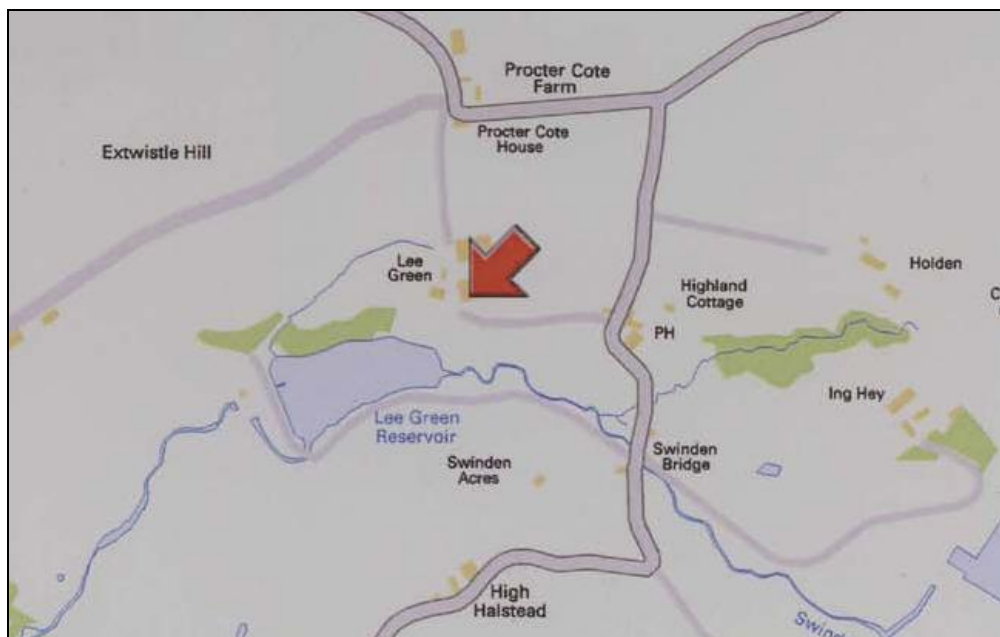
Planning and Environmental Considerations:

The application relates to an agricultural unit comprising 110 hectares of grassland.

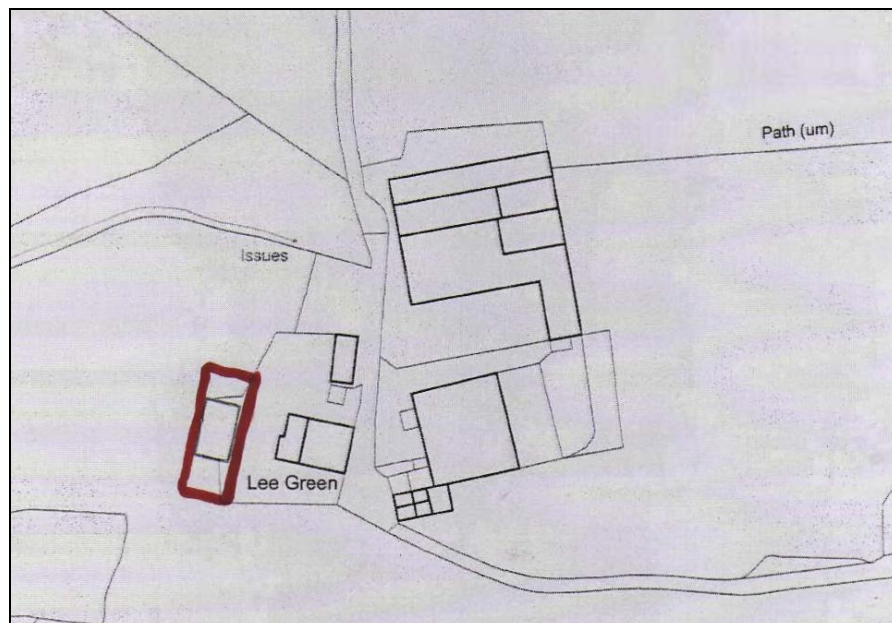
Supporting information is that from 17ha in 1963, the agricultural holding has grown to its present size by 7 separate acquisitions of land, being the whole or part of former farms.

The land is productive grassland now supporting 120 dairy cows, being a fully mechanised farm, capable of producing sufficient forage to feed the stock kept. Apparently 10% of the milk yield is retailed in bottles in a single milk round, the balance being sold to a major milk distributor.

Labour on the holding is currently provided by two brothers and their father, with his wife dealing with farm records and paperwork. The living accommodation comprises Lee Green Farmhouse, presently occupied by the applicants Mr and Mrs Starkie (senior), and the two brothers, one with a wife and two daughters. The application states that sharing the dwelling is not a sustainable long term situation which needs to be addressed. The present application, therefore, proposes the erection of a second permanent agricultural dwelling on the holding, to accommodate one of the brothers and his family.

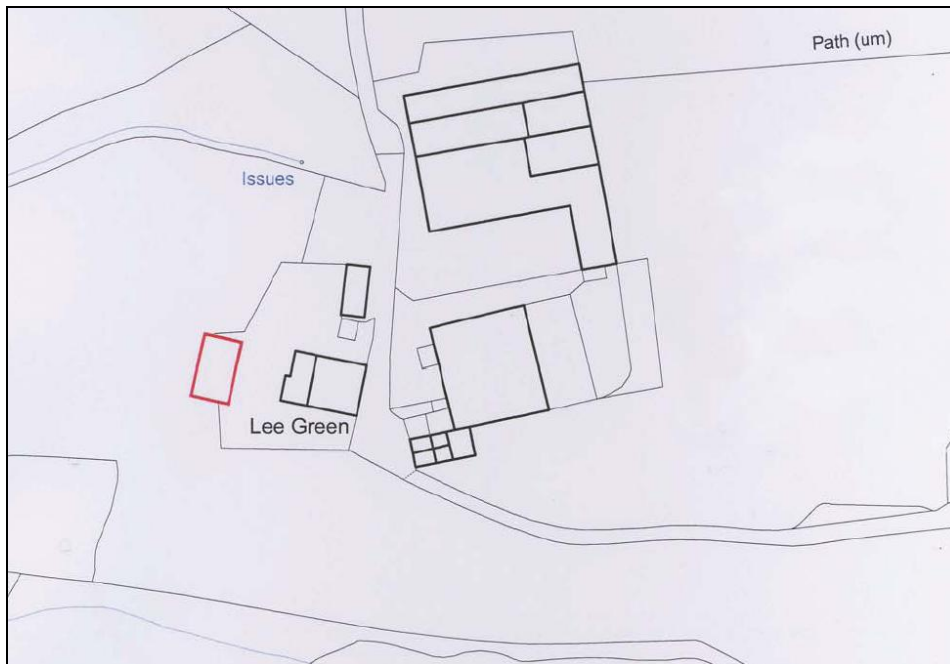


Location of the site, north of Worsthorne village



Application site

The proposed dwelling would be sited just to the west of the existing farm house. It would be a 3-bedroomed bungalow of stone construction.



Footprint site of proposed dwelling



Proposed dwelling

Policy and Assessment

Policy GP1 sets the requirement that all new development be inside the defined Urban Boundary, except that appropriate to a rural area, in order to maintain a compact, sustainable, urban area and protect the landscape.

The site is outside the Urban Boundary, within a rural area, where development is strictly controlled under Policy GP2 of the Burnley Local Plan, Second Review, restricting new development to that needed for the purposes of agriculture, forestry or other use appropriate to a rural area.

Policy H2 aims to promote sustainability and urban renaissance and advocates a sequential approach to new housing development, firstly locating new housing within the urban boundary in sustainable locations. The proposal relates to a sequentially less preferable greenfield site (not previously developed land) outside the urban boundary in the rural area. It would be in an unsustainable location and on that basis the development would be contrary to the policy.

Paragraph 55 of the National Planning Policy Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as (for consideration in this case) the essential need for a rural worker to live permanently at or near their place of work in the countryside.

The proposal would, therefore, be in conflict with GP1, GP2, H2 and paragraph 55, unless it can be demonstrated that the development is appropriate to the rural area.

Policy E30 of the Burnley Local Plan, Second Review is in conformity with paragraph 55 of the NPPF. It sets criteria against which to consider the acceptability of new dwellings for agricultural workers. Assessment against the relevant criteria of policy E30 is as follows:

a) the applicant can prove a functional need for the dwelling

The County Land Agent has assessed the functional need, based on the information submitted by the applicant and a visit to the farm. The functional need relates to whether it is **essential** for one or more workers to be readily available at most times, for example to provide animal care at short notice or to deal with emergencies.

The assessment distinguishes between those general day to day routines involved in managing a dairy herd such as feeding, bedding up, general healthcare, etc, and those occurrences which would require essential care at short notice, such as calving cows and dealing with sick animals. The opinion is that the number of incidences within a herd of this size which would require essential care at short notice and outside traditional working hours would be limited in number and would not justify the need for a second worker to *'live permanently at or near their place of work in the countryside'* as set out in paragraph 55 of the NPPF.

b) the applicant can demonstrate that suitable accommodation is not available, or cannot be provided, within an existing settlement or the urban area.

The farm is in close proximity to housing in Worsthorne and Briercliffe. There are currently several 3/4 bed dwellings within one mile of Lee Green Farm, within Worsthorne village.

c) the applicant can demonstrate that suitable accommodation cannot be provided by extension, conversion or re-use of an existing building

It has not been demonstrated that the existing dwelling on the farm could not be adapted and/or extended to accommodate the requirements of the extended family. For example a 2-storey side extension might provide the necessary accommodation.

However, the existing dwelling provides sufficient housing for the purposes of the agricultural holding, and any perceived difficulty in providing it with an extension would not in itself justify a grant of planning permission for an additional dwelling.

d) the applicant can demonstrate that the dwelling is necessary for a full time worker

This has not been demonstrated as set out in a) above.

e) the applicant can demonstrate that the agricultural unit is well established and viable

The applicant has put forward that the farm is well established and financially sound. The County Land Agent has confirmed that he has been provided with the firm's trading accounts for the past four years and would expect the business to remain profitable. There are therefore no concerns regarding this aspect of the assessment.

f) the dwelling uses local material and is of good quality design which respects local landscape character

The external walls are proposed to be natural stone, with a roof of artificial stone slates. These materials are acceptable in the rural area. The design is of a simple, single-storey cottage/bungalow, which is appropriate to this rural location.

g) the siting and scale of the dwelling are appropriate

The proposed dwelling would be sited close to the existing dwelling, within the farm complex. It would be a small, 3-bed unit and appropriate in scale. If the principle was considered to be acceptable, further information would be required about the curtilage and boundary treatment. That could be done by a planning condition.

h) appropriate and satisfactory access arrangements can be achieved

There are no highway concerns as the dwelling is proposed within the existing farm complex, using existing access arrangements

Other issues:

Drainage – no details of this are provided within the application, although the indication is that surface water would be disposed of to a soakaway. This matter could be dealt with by condition.

Conclusion

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The considerations set out by the applicants in support of this application relate to very understandable family circumstances. Such circumstances are almost invariably of general relevance to applications to provide residential accommodation and merit thoughtful consideration.

However, the experience of the Authority is that there is considerable pressure, from land owners, for new housing development in rural areas. In most cases, following pre-application enquiry in which the restrictions are explained, this does not result in a planning application.

The opinion given by the consultant agricultural land agent revolves around the issue of functional need for a new dwelling. It is not about the amount of agricultural employment involved, and not about the need to travel to such agricultural work.

The recommendation, therefore, is made on the basis that there are no material considerations that indicate that the application should not be refused in accordance with the development plan.

Recommendation: That the application be refused for the following reason:

- a) As set out as following, the proposed development would not be in accordance with the development plan, in particular, policies GP1, GP2, E30 and H2 of the Burnley Local Plan Second Review and would be contrary to paragraph 55 of the National Planning Policy Framework, and, there are no material considerations that indicate that permission should be granted.
- b) The application does not demonstrate that the proposed new agricultural worker's dwelling in the rural area is justified by reason of functional need, in accordance with the criteria identified by policy E30. The proposal is, therefore, contrary to (a) policy E30; (b) policy GP1 that requires the Council to locate all new development within the defined urban boundary, except that appropriate to a rural area; (c) policy GP2 that in particular (as relevant to this application) limits development to that required for the purposes of agriculture, forestry, or other uses appropriate to a rural area.
- c) The site is a greenfield site outside the urban boundary in an unsustainable location and its development would be contrary to the Council's aims to promote sustainability and urban renaissance, having regard to policy H2 that advocates a sequential approach to new housing development, firstly locating new housing within the urban boundary in sustainable locations. There is no

shortage of housing sites within the urban boundary in more sustainable locations to warrant allowing a sequentially less preferable site in the rural area. The proposal is contrary to paragraph 55 of the National Planning Policy Framework which states that isolated homes in the countryside should be avoided.

AR

7.10.2013