

Ward Tale Vale

Reference 19/0221/FUL

Applicant Mr Lunn

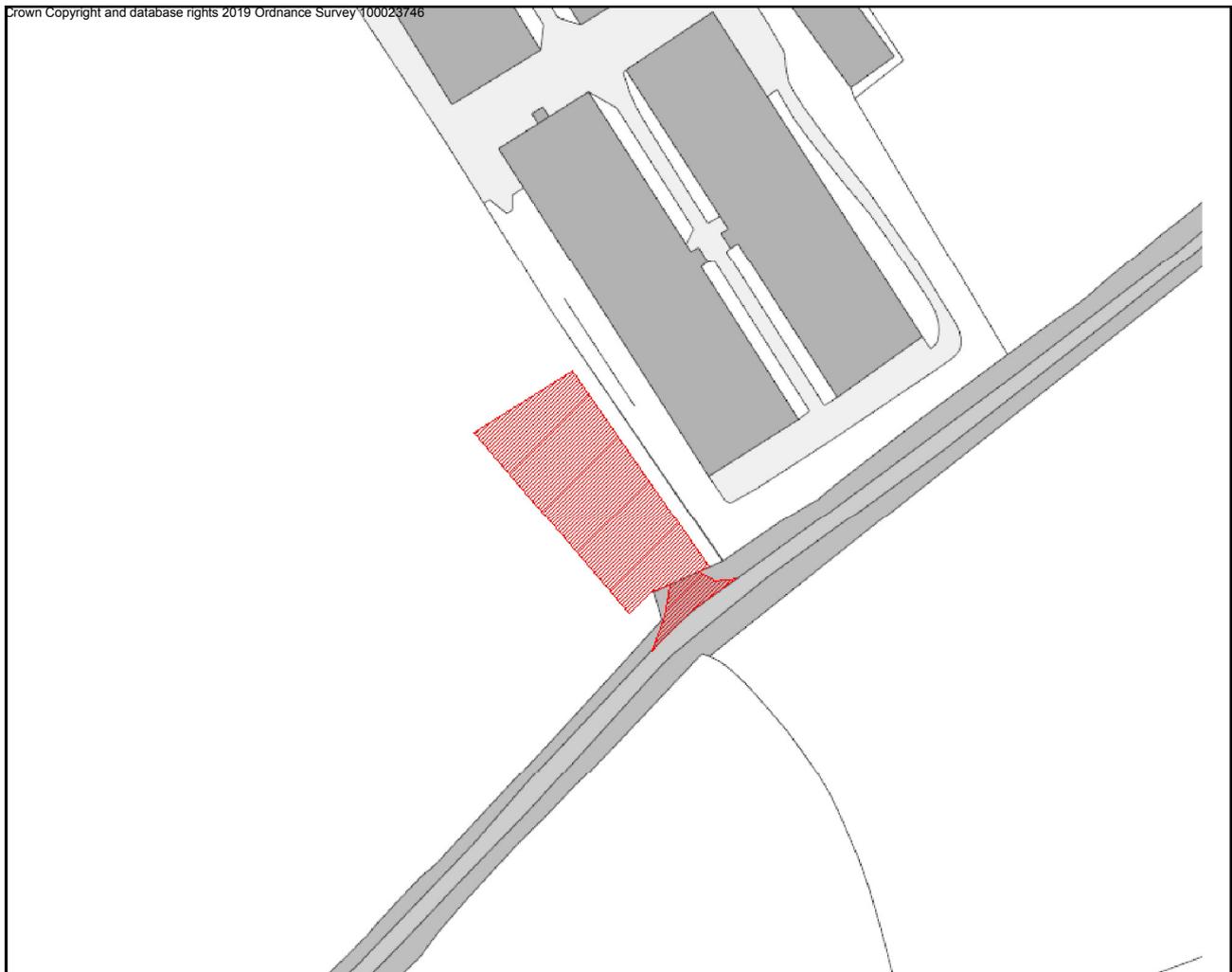
Location Land To The North Of Brickfield Farm Dulford

Proposal Erection of a second permanent rural workers dwelling



RECOMMENDATION: Refusal

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		Committee Date: 18th June 2019
Tale Vale (Broadhembury)	19/0221/FUL	Target Date: 10.04.2019
Applicant:	Mr Lunn	
Location:	Land To The North Of Brickfield Farm Dulford	
Proposal:	Erection of a second permanent rural workers dwelling	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The application is before Development Management Committee as the officer recommendation differs from that of the Local Ward Member.

The application proposes the construction of a second agricultural workers dwelling to assist in the operations at West Knapp Farm. The site is in the open countryside where there is a presumption against new isolated homes unless there is an essential need for a rural worker to live at or near their place of work in the countryside. Even if an essential need for the proposal is proven an assessment to the applications impact upon the rural landscape, local highway network and amenity of adjoining neighbours is required.

The Local Planning Authority is not satisfied by the evidence and reasoning submitted that there is an essential need for an additional worker to be present at the site at most times of the day and night. There is already a tied managers dwelling on site which appears to be, or should be meeting, the functional requirements of the poultry business. Whilst it is appreciated that the number of broiler chickens is significant, and due to increase to 220,000, it has not been adequately explained or argued how Mr Lunn's business operations have changed since the permission for the original dwelling to justify the need for a second dwelling. It is acknowledged that the poultry units require constant monitoring as they are susceptible to variations in temperature, however, to date, the ventilation of the barns have been controlled adequately.

The argument has been put forward that the second dwelling is also required to provide additional security for the site. However, the dwelling would be located away from the rest of the agricultural buildings and presumed to not contribute to the level of security already provided by Four Horseshoes.

In the absence of such justification the proposal would represent residential development in the open countryside where it would be divorced from an

appropriate range of shops, services and access to public transport and represent an unsustainable form of development

Additionally no justification has been made for the dwellings location in an undeveloped field and why the build could not be better related to Four Horseshoes and the existing barns/farm. As such the proposed dwelling would have a detrimental impact upon the open rural character of the immediate area and the application is considered to be contrary to Strategy 46 (Landscape Conservation and AONBs) and Policy D7 of the East Devon Local Plan.

CONSULTATIONS

Local Consultations

Parish/Town Council
Support

Tale Vale - Cllr Philp Skinner

I have viewed the application and been on site. I know the site very well and indeed have spoken at length to the applicant. I am of the opinion of very much supporting the proposal for a single agricultural dwelling.

On this basis of my SUPPORT I would like to see the application come forward to committee.

Other Representations
None

Planning History

Reference	Description	Outcome
92/P2010	New Poultry House	Approve
94/P0925	New Poultry House	Approve
96/P0614	Fourth Poultry House	Approve
98/P1526	Managers Bungalow Accommodation	Approval

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D7 (Agricultural Buildings and Development)

TC2 (Accessibility of New Development)

H4 (Dwellings for Persons Employed in Rural Businesses)

TC2 (Accessibility of New Development)

TC2 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

Knapp Farm is located 3.5 miles east of Cullompton, just north of Dulford off the A373. The site comprises of 4 large modern poultry houses, a workshop and an existing manager's dwelling. The land within the holding is believed to amount to 35 acres and located just west of the Blackdown Hills Area of Outstanding Natural Beauty. The applicant runs a poultry rearing unit of 180,000 broiler chickens and forecasts that this number shall rise to 220,000.

Proposal

The application seeks permission for the construction of a second agricultural dwelling to assist in the day to day operation of the farm. The proposed siting of the dwelling would be located on an adjoining parcel of land south west of the existing barns. Issues with the application revolve around the principle of development, justifying the need for additional workers to be living on site and the visual impact of the proposal.

ANALYSIS

Principle of Development

The spatial strategy for development is focused around the seven main towns and larger villages with built up area boundaries, as described by Strategy 27, will form focal points for development. However, the proposed site is not included within such a settlement and therefore is not considered to have an appropriate level of services and facilities to support residential development. Therefore, for planning purposes, the proposal takes place within the open countryside and is therefore subject to restrictive rural policies.

Strategy 7 (Development in the Countryside) of the East Devon Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local Plan or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape qualities within which it is situated.

Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan 2013 - 2031 sets a strict set of criteria that proposals must fully satisfy in order to be granted permission. The criteria are as follows;

Policy H4 states as follows:

Permission for dwellings in the countryside for new agricultural or forestry workers or people employed in rural businesses or activities will be granted where the proposal fully satisfies the following:

1. There is a proven and essential agricultural or forestry or rural business need for the occupier of the proposed dwelling to be housed permanently on the unit or in the specific rural location for functional reasons and the size of the proposed dwelling is commensurate with the scale of the established functional need. Where this need is unproven or a new business is being established a temporary dwelling (such as a mobile home) may be permitted to allow time to establish that there is a genuine functional and financial need for a permanent dwelling. A temporary dwelling will normally be permitted for a period of three years, subject to meeting relevant criteria detailed below.

2. In the case of a permanent dwelling, the rural business has been operational for a minimum of three years, it is demonstrable that it is commercially viable and has clear prospects for remaining so.

3. In the case of a temporary dwelling, a financial assessment, specifically in the form of a business plan setting out projected future operations, must demonstrate future operational viability.

4. The qualifying test of occupancy must involve at least one occupant being employed full time in the relevant rural business. Two occupants in partnership can meet the condition so long as their joint weekly hours equate to a full working week

5. There are no buildings on the operational holding suitable for conversion to meet the residential need or existing dwellings available now or likely to be available within a nearby location or settlement. Sale within the last three years of any dwellings or buildings suitable for conversion will be taken into account and will count against 'need' in the assessment carried out.

6. Any permission granted will be subject to an occupancy condition tying it to the relevant business on the proposed dwelling and where appropriate, any existing dwelling on the farm holding.

These criteria are discussed below, in relation to this application.

1. From details submitted within the agricultural survey it is stated there is a need for the construction of a second on-farm dwelling for the day to day operations of the farm. Essential requirements are stated to include the husbandry requirements of managing day old chick to maturity, responding to unpredicted incidents with regards to ventilation, for bio-security and general security. Additionally it is stated there is a need for a worker to be available on the holding most times of the day and night to respond

to 'out of hour' emergencies. Mr Lunn resides at Four Horseshoes an existing tied dwelling approved under 00/P2103, and manages the business from here.

The need for an agricultural workers dwelling is based on proving an identified existing functional need. The agent has assessed this need through performing a Standard Man Day Assessment (SMD). The calculation, within the submitted Agricultural Appraisal, has stated that there is 2,783 SMD's equivalent to that of 10 labour units. These workings have incorporated the rearing of chicks, general maintenance, repairs, management, cleaning and disinfecting between batches. The submitted agricultural appraisal states that there is a need for 10 labour units.

Despite this, an assessment also needs to be made as weather there is an essential need for an additional worker to be living on site. Essential need, in this case, means a specific management activity or combination of activities which require the presence of a worker at most times (and outside of daytime working hours) for the proper functioning of an enterprise is not to be compromised and which cannot be achieved by any other practical means such as electronic surveillance, mechanical watering etc. Such a need would also relate to any particular event or combination of events that could lead to adverse animal welfare or health and safety consequences which might threaten the stability and economic viability of an enterprise. In this case an assessment needs to be made to how the nature and scale of operations of the farming have changed to necessitate the need for an additional rural workers dwelling.

The submitted Agricultural Appraisal has also included a statement from St David's Poultry Team Ltd, a specialist poultry veterinary practice. The statement explains operations and requirements within the business that require a full time worker present onsite at all times. The letter details the need to ensure adequate water, feed, ventilation and temperature control in the four barns and in particular rectifying faults as to not seriously impact upon the bird's welfare. It is highlighted that the control of temperature via ventilation systems is of paramount importance in instances when temperatures exceed 30C. Reducing chick loss is understandably critically important in maintaining businesses viability.

However it is understood that Mr Lunn has effectively managed the four barn's ventilation system to date. No information has been submitted that explains why now an additional worker is required to be present on site to rectify a system failure. In the rare case that the backup generator does fail it is considered that this should be addressed by the member of staff located at Four Horseshoes. This would presumably allow for the issue to be resolved within the 15 minute timeframe given before chick mortality starts to significantly increase. Whilst it is appreciated that cover in certain instances will be required, this in itself does not justify the need for an additional house for an individual to be living on site as part of the operation of the business.

Biosecurity has also been raised as an important factor in requiring an additional rural worker to be living onsite. Concerns relate to the spread of avian viruses carried by migratory birds. To exclude the introduction of viral disease it is stated that there is a need for continual wild bird control. Again this is considered to be an operation that should be, and presumably currently, implemented by the manager residing in Four Horseshoes.

Furthermore, whilst it is appreciated the SMD assessment has concluded that there is a labour requirement for 10 man units, it is considered that the large majority of this labour does not require the presence of a worker at most times for the proper functioning of the enterprise (i.e. this work can be carried out during the day through the usual employment of staff that do not need to live on the premises).

Breaking down the SMD assessment within the Agricultural Appraisal it is evident that a large majority of the labour is a result of including 'catching, cleaning and disinfecting between batches' within the calculation. This is an operation that is currently carried out by part of the workforce that does not live onsite and therefore evidently not a process that requires or justifies the need for a full-time employee living in an additional rural dwelling. The application does not justify the need for an additional rural workers dwelling other than through the statement from the veterinary practice which in itself only states a requirement for 1 worker to be present at all times.

Taking into consideration the above it is concluded that, from the information submitted, an essential functional need for an additional rural workers dwelling has not been identified. Therefore the additional dwelling is not justified and the application should be refused.

2. Financial information has been made available to the Local Planning Authority. The business has clearly been up and running for more than three years. However the submitted accounts communicate fluctuating profits over a four year period between 2014 and 2018. Policy H4 requires that it is demonstrable that the business is commercially viable and has clear prospects for remaining so. Despite the inconsistent profit margins, there is no reason to believe that the business will not continue to be viable.

3. NA (not applying for a temporary dwelling)

4. The application would provide a dwelling for an individual that would be employed full time within the business. This criterion is therefore satisfied.

5. There are no other dwellings on the holding that would serve any demonstrated essential need. A search of property websites reveals that there are a number of properties available for sale within Cullompton (3 miles), Kentisbeare (1 mile) and Kerswell (1 mile). However none of these are considered to be within a reasonable price range. On this basis if the case were accepted of an essential need to a rural worker to live at or near their place of work it is considered that such a need is unlikely to be met other than an onsite dwelling.

6. If the case were accepted that there was an essential need for a full-time worker to be housed on site and that there were no other dwellings available to meet such a need then it would be necessary to tie the occupancy of such a dwelling to the existing business.

Impact on the Character and Appearance of the Area and Wider Landscape

The site lies in open countryside three miles west of Cullompton, just north of Dulford and located off the A373. The existing four barns and associated outbuildings occupy

a large rectangular parcel of land. The existing dwelling of Four Horseshoes is located just north east of the site. The proposed dwelling would be located in an adjoining field to the west. This site is undeveloped and forms part of a wider pastoral landscape which despite its close proximity to the A373 and Dulford maintains a remote and tranquil character. The hedgerows that encapsulate the field are cut short, and as a result, views are available across the site from local road users.

Policy D7 of the East Devon Local Plan deals with agricultural buildings and development whilst Strategy 46 deals with Landscape Character and AONBs. Policy D7 requires that development is well integrated with its surroundings and closely related to existing buildings; would not harm the character, biodiversity or landscape of the area; would be acceptable in terms of amenity impact; is necessary for the purposes of agriculture; would not lead to unacceptable increase in traffic and that drainage would be appropriately managed. Strategy 46 similarly seeks to conserve and enhance landscape character.

In this instance there are no existing agricultural buildings of any significance on site except 6 LPG storage tanks. The dwelling would be served by an existing access to the south with a driveway. However the construction of such a dwelling, in a field, which is currently undeveloped, is considered harmful to the rural landscape. No justification has been made for the dwellings location and why the build could not be better related to the existing workers dwelling and barns. The proposed dwelling is considered urban in scale, form and materials. This in conjunction with the proposed hardstanding, would amount in significant harm to the fields open and rural character. It is considered that siting of agricultural workers dwellings should take a sequential approach to ensure buildings are located in close proximity to existing buildings as to reduce their visual impact. Therefore the application is considered contrary to Strategy 7. 46, Policy D7 and H4 of the East Devon Local Plan and Policy NP2 (Sensitive, High Quality Design) of the LP.

Other Matters

The proposed dwelling would not be located near any other residential properties, therefore there are no concerns over the proposals impact upon neighbouring amenity. The application site benefits from good visibility onto the adjoining road and sufficient space has been proposed for parking and turning. Whilst the Highway Authority have not commented on the application, no issues with regards to highway safety are expected.

CONCLUSION

The application proposes the construction of a second agricultural workers dwelling to assist in the operations at West Knapp Farm. The site is in the open countryside where there is a presumption against new isolated homes unless there is an essential need for a rural worker to live at or near their place of work in the countryside. Even if an essential need for the proposal is proven, the visual impact of the proposal shall also need to be assessed.

The Local Planning Authority is not satisfied by the evidence and reasoning submitted that there is an essential need for an additional worker to be present at the site at most

times of the day and night. There is already a tied managers dwelling on site which appears to be, or should be meeting, the functional requirements of the poultry business. Whilst it is appreciated that the number of broiler chickens is significant, and due to increase, it has not been adequately explained or argued how the business operations have changed since the permission for the original dwelling to justify the need for a second. It is acknowledged that the poultry units require constant monitoring as they are susceptible to variations in temperature, however, to date, the ventilation of the barns have been controlled suitably.

The argument has been put forward that the second dwelling is also required to provide additional security for the site. However in the proposed location away from the agricultural buildings and with the presence of an existing dwelling, security is not considered to be an issue that faces the business. Security on its one is not a reason to justify an additional dwelling.

In the absence of such justification the proposal would represent residential development in the open countryside where it would be divorced from an appropriate range of shops, services and access to public transport and represent an unsustainable form of development

Additionally no justification has been made for the dwellings location in an undeveloped field and why the build could not be better related to Four Horseshoes and the existing barns. As such the proposed dwelling would have a detrimental impact upon the open rural character of the immediate area. As such the application is considered to be contrary to Strategy 46 (Landscape Conservation and AONBs) and Policy D7 of the East Devon Local Plan.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed dwelling by reason of its location and domestic appearance, would be visually intrusive and harmful to the open rural landscape. As such, the proposed development would be harmful to the character and appearance of the countryside and therefore contrary to policies D1 (Design and Local Distinctiveness) and D8 (Re-use of Rural Buildings Outside of Settlements) of the East Devon Local Plan 2013 - 2031.
2. The site is in the open countryside where there is a presumption against new isolated homes unless there is an essential need for a rural worker to live at or near their place of work in the countryside. The Local Planning Authority is not satisfied by the evidence and reasoning submitted that there is an essential need for an additional worker to be present on the site at most times of the day and night. Given that there is an existing dwelling at the site which could meet the functional need, should a need be demonstrated, it is not considered that there is a justified need for the erection of a second dwelling at the site. In the absence of such justification the proposal would represent unjustified residential development in the open countryside where it would be divorced from an appropriate range of shops, services and access to public transport and represent an unsustainable form of development contrary to Strategy 7

(Development in the Countryside), H4 (Dwellings for Persons Employed in Rural Businesses) and TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031.

Plans relating to this application:

SLP/LHFSL/2019	Location Plan	13.02.19
PGF/LHFSL/2019 : GROUND	Proposed Floor Plans	13.02.19
PFF/LHFSL/2019 : FIRST	Proposed Floor Plans	13.02.19
PEL/LHFSL/2019	Proposed Elevation	13.02.19

List of Background Papers

Application file, consultations and policy documents referred to in the report.