

Committee Date: 23 September 2010

Reference: 10/00476/FUL
Date Submitted: 16.06.2010
Applicant: Mr K Sellars
Location: Crowthorne, Landyke Lane, Scalford, LE14 4SY
Proposal: Proposed Bungalow

Introduction:-

This application seeks planning permission for the erection of an agricultural workers bungalow.

It is situated on this established farm holding within the open countryside to the north of the village of Scalford. The site is located within the farm holding adjacent to the farm buildings, and adjacent to a temporary mobile home.

The proposal is to erect a substantial sized 3 bedroomed bungalow.

It is considered that the main issues relating to the proposal are:

- **Whether there is an agricultural justification for the creation of a residential dwelling in the open countryside where new dwellings are not normally permitted and in particular,**
- **Whether the 'functional' and 'financial' tests of P.P.S 7 have been met.**

The application is presented to the Committee due to the level of local support for the proposal.

Relevant History:-

07/00368/CM - Retrospective permission for a roof over composting operations – Approved 17.05.2007
07/00584/OUT - Provision of temporary accommodation for agricultural worker – Approved 06.07.2007
07/00943/REM - Provision of temporary accommodation for agricultural worker – Approved 16.10.2007
09/00203/GDOAGR - Erection of portal framed agricultural building – P.D approved 12.04.2009
09/00464/CM - Retention of caravan for use as an office/washroom in connection with green waste composting operation – Approved 18.08.2009
09/00769/FUL - Portal framed agricultural building for housing cattle – Approved 11.12.2009
10/00475/FUL - Retention of existing mobile home – Under Consideration

Planning Policies:-

PPS1 - Delivering Sustainable Development - planning authorities should promote more efficient use of land through higher density development and suitably located previously developed land and buildings.

PPS7 - Sustainable Development in Rural Areas - Key principle in land use planning is giving priority to the protection of the Countryside and restricting new housing in isolated locations. Agricultural workers dwellings, to meet an essential and proven need, are an exception to policy of restraint. Functional and financial tests need to be demonstrated before dwellings are permitted.

Melton Local Plan (saved policies):

Policy OS2 :- states that planning permission will not be granted for development outside the town and village envelopes except for, amongst other things, development essential to the operational requirements of agriculture and forestry and limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

Policy BE1:-

- the form, character and appearance of the settlement are not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Melton LDF Core Strategy: seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with provision/contribution of 40% affordable housing from all developments, and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. Not applicable to agricultural workers dwellings with specific locational needs.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – Previous concerns regarding access, however, an amended plan was submitted. The amended plan still appears to show an access on to Landyke Lane, although it was understood from a meeting with the agent that access was to be taken only via the existing farm entrance on to Eastwell Road, however this can be covered by condition. The site is not in a sustainable location. However, assuming that the dwelling is justified, and on the basis of the amended details, are prepared to recommend conditional approval.</p>	<p>The site is a working farm with its own entrance.</p> <p>The amended plan shows the dwelling served by this access which is now acceptable to the Highway Authority. The access is considered acceptable in terms of highway safety.</p>
<p>MBC Housing Policy Officer - as the proposal is for accommodation to meet the needs of a person working in agriculture will not supply formal housing policy comments. However, there is a significant undersupply of bungalow accommodation in the area, including 3 bed bungalows.</p>	<p>Noted. The proposal relates to a bungalow specifically for an agricultural worker and it is not therefore appropriate to apply policies relating to general housing. Whether the dwelling is an appropriate size is to be assessed against the agricultural needs of the holding and not general housing needs.</p>
<p>Parish Council – No objection to bungalow but would wish to see ample planting as the site and</p>	<p>Noted – appropriate landscaping would be a normal requirement of such development.</p>

buildings are very visible from the road. Generous planting needed on owners land on to Landyke Lane.	
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Representations:

A site notice was posted and 11 letters of support have been received as shown below:-

No objections – applicants have been farming the land for some time and they need permanent accommodation	Noted – however, whether there is a need for a dwelling is assessed via the functional/financial ‘tests’ of P.P.S 7
Applicant needs accommodation to run their business due to numbers of livestock and machinery housed there. Needs 24 hour supervision for care/welfare of stock and to deter rural theft – rural machinery/tractors are very expensive	Noted – however, whether there is a need for a dwelling to supervise the stock is assessed via the functional/financial ‘tests’ of P.P.S 7. The P.P.S states that prevention of theft is NOT a justification for a dwelling
Applicant has farmed our land for last 5 years and maintained it well. His presence has deterred anti-social behaviour, vandalism and theft and we want him to continue. Should permission be refused and arrangements terminated, we fear that problems will return	Noted – see points above
I have supplied applicant with calves for last 20 years and I aware of how much time and attention is involved. I currently have 50 calves waiting to be transferred to applicant and an order for 50 more. On site supervision is needed	Noted – see above points
Support applicant – Unexpected livestock problems can occur day or night His commitment to his animals has been observed and he warrants a dwelling	The applicants commitment to his stock is noted
Mr Sellars has lived at Landyke for 15 years and his agricultural enterprise has increased and is a viable holding and warrants a dwelling	Noted – viability is assessed via the functional/financial tests of P.P.S 7
Applicant works long hours with his stock and needs to live on-site. His farm and composting plant employs local people throughout the year	Noted – see points above

Other material considerations (not raised through consultation of representation)

Considerations	Assessment of Head of Regulatory Services
Impact on the open countryside	The site falls within the open countryside outside of the village envelope for Scalford, where new dwellings are not generally permitted except for the essential needs of agriculture – which is discussed below. The site is visible from Landyke Lane (to the north of the site), where a new, and modern bungalow would constitute an alien intrusion in to the countryside, which would be detrimental to the open rural appearance of the locality.
Design of the dwelling	Setting aside the issue of whether there should be a dwelling in this location and whether it is too large for the agricultural holding (this issue being

	<p>discussed below), the actual design of the dwelling is not unattractive.</p> <p>The proposed bungalow, which is an ‘L’ shaped design, would be constructed from brick and tile, and it contains chimney stacks and simple ‘rural’ detailing including corbelled eaves brickwork. The building is an appropriate design for its location.</p>
<p>Impact on Neighbours amenity</p>	<p>The proposed bungalow is situated a reasonable distance from the only neighbour (Crowthorne) with only a bathroom window facing towards that property. Due to the distances involved, no loss of amenity would result for future occupants of that dwelling.</p>
<p>Whether the dwelling meets the functional/financial tests of P.P.S 7</p> <p>The site falls within the open countryside beyond the Village Envelope for Scalford, where new dwellings are not normally permitted.</p> <p>An exception to this policy of restraint – both P.P.S 7 and Local Plan Policy OS2, are dwellings to meet the essential needs of agriculture.</p> <p>P.P.S 7 establishes 2 tests for agricultural dwellings – a ‘functional’ test, and a ‘financial’ test.</p> <p>The normal procedure for such dwellings is the provision (as in this case) of a temporary home for a 3 year period, in order to build-up the farming enterprise to a level where a permanent dwelling is justified.</p> <p><u>The Functional Test</u></p> <p>A permanent dwelling is only justified if it meets the following aspects of the functional test:-</p> <ul style="list-style-type: none"> • That there is an essential need to live on site - to supervise livestock for example • It should relate to full-time occupation and not part-time • It should have been established for 3 years and been viable for at least one , and likely to remain so in the future • That the need could not be met by another dwelling in the locality and • All other planning considerations such as visual impact on the countryside are met 	<p>The agricultural unit has clearly been established for some time, and 3 years ago, (when the mobile home was considered), the Council was satisfied that the unit was likely to expand to a level that would justify a permanent dwelling.</p> <p>The ‘expansion’ plans were dependant upon the erection of further buildings and the build-up of the herd, and whilst planning permission for the new livestock buildings have been approved, these have not materialised – and P.P.S7 indicates that the investment in buildings is a good indication of the applicant’s intentions and commitment.</p> <p><u>The functional test</u></p> <p>The assessment of the agricultural enterprise in relation to the above criteria has been undertaken by an agricultural consultant who states:-</p> <ul style="list-style-type: none"> (i) The animal rearing on the farm only amounts to 0.55 of a full-time person which only increases to 0.70 with the arable cropping and there is not therefore an established and essential need for someone to live on the site and the enterprise fails the functional test due to the small numbers of animals involved (ii) The labour requirement of the holding is only part-time and not the full-time occupation as required by P.P.S 7 and therefore the proposal fails this element of the functional test. (iii) From the 3 years accounts submitted, the drawings exceed income in 2 of the 3 years and in the third, the income is derived from other operations and not agriculture and therefore the unit has not been shown to be profitable as

<p><u>The Financial Test</u> In addition to the functional test, a financial test must also be passed before a permanent dwelling should be approved.</p> <p>A financial test is to assess whether the holding is financially viable and that the size of dwelling does not exceed that which the agricultural holding can support.</p> <p>P.P.S 7 states that dwellings the size of the dwelling should be commensurate with the demonstrated functional need and that dwellings which are unduly large in relation to the agricultural needs of the holding, or unduly expensive to construct in relation to the demonstrated income in the long term, should not be permitted.</p>	<p>(iv) required by the Annex to P.P.S. 7. There was an adjacent bungalow on the holding – Cawthorne Bungalow – which was always intended to be the dwelling for the holding, but was subject to a family dispute which was settled out-of-court. This in effect constitutes a sale, and is contrary to paragraph 5 of the Annex to the P.P.S. and demonstrates a lack of demand. There are also dwellings for sale in Scalford that would be suitable and therefore, the proposal fails this part of the functional test.</p> <p>The development fails several of the ‘functional test requirements.</p> <p><u>The Financial Test</u> The dwelling proposed is a substantial 3 bedroomed bungalow which exceeds the agricultural ‘need’ (as this has not been substantiated) and being a bungalow, it would be expensive to build, having larger foundations and roof element than a house of similar size.</p> <p>The agricultural consultant states that:-</p> <p>(i) The majority of the income is not derived from agriculture, but other sales</p> <p>(ii) The holding can not sustain the cost of the bungalow proposed</p> <p>The development fails the ‘financial test requirements.</p> <p>From the above, it is apparent that the proposal fails both the functional and financial tests and therefore conflicts with the advice contained in P.P.S 7 and as a dwelling that has not been justified by the essential needs of agriculture, it constitutes an isolated dwelling within the countryside and conflicts with Policy OS2.</p>
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Conclusion

Whilst the applicant’s attempts to establish his agricultural enterprise are applauded, there has been little expansion from the time that the mobile home was approved some 3 years ago, and it is apparent that the holding does not yet justify a permanent dwelling, as it does not provide a full-time occupation, it has not been shown to be viable in the longer-term, the dwelling is unduly large/expensive and there are other dwellings available in the vicinity.

The proposal therefore fails both the functional/financial tests of P.P.S 7, and can not be supported at this time, as being within the countryside, and not justified in agricultural terms it is an inappropriate form of residential development.

It would constitute an alien intrusion in to the rural countryside that would be harmful to its character, and in the absence of an essential agricultural need, it is contrary to both National and Local Plan policies.

In view of the above the proposal is recommended for refusal.

RECOMMENDATION:- Refusal for the following reasons:-

- 1 The agricultural enterprise to which the proposed dwelling relates is not a viable holding and does not justify the granting of permission for a permanent dwelling as it fails the functional and financial 'test' of P.P.S 7 – Sustainable development in Rural Areas. The proposal therefore constitutes an isolated dwelling in an unsustainable location within the open countryside contrary to the advice contained in the above guidance.
2. The proposed dwelling has not been justified in agricultural terms and it is situated within an open countryside location where a new dwelling would constitute an alien and intrusive feature that will be harmful to the rural character of the locality. It is an inappropriate form of development that conflicts with the provisions of Policy OS2 of the Adopted Melton Local Plan.

Contact: Mr Rob Forrester

10 September 2010