DELEGATED DECISION REPORT

SMD/2019/0421 **Valid 08/07/2019**	**BROOKLYN GRANGE FARM THORNCLIFFE LANE THORNCLIFFE**	**OUTLINE PERMISSION WITH SOME MATTERS RESERVED FOR ERECTION OF TWO STOREY FAMILY DWELLING HOUSE TO PROVIDE RESIDENTIAL ACCOMODATION FOR FARM WORKER.** **(OUTLINE - MINOR APPS)**

MAIN ISSUES

- Principle of Development
- Ecology
- Design, Landscape and Visual Impact
- Amenity
- Highway Safety

DESCRIPTION OF SITE

The application site comprises a small parcel of land spanning a width of 40m and a depth of 17m, to the west of The Brooklyn Grange Farm complex and to the north of the single farm access track from Thorncliffe Lane, approximately 180m to the west.

Brooklyn Grange Farm is a diary farm which extends to some 36.4ha which according to the appraisal submitted by the applicant's agent supports a herd of 120-135 milking cows with approximately 90 young stock being mostly dairy calves to in calf replacement heifers and with some beef types carried to strong store weight. The appraisal also makes reference to 50 commercial breeding ewes.

The buildings that make up the Brooklyn Grange Farm complex consists of a modest bungalow which has a rectangular form orientated with gables facing north and south, with an associated garden area; and a series of agricultural buildings to the north of a yard area, orientated in a similar fashion, of varying scales and all of which appeared from a site visit to be fully utilised.

Approximately 100m to the north of the site is a large fishing lake that was implemented following approval in 2003.

For the purposes of the Local Plan the site lies outside of the development boundary of any town or village in the open countryside.

PROPOSAL

The application seeks outline planning permission with all matters reserved aside from access for a two storey family dwelling to provide accommodation for a farm worker (agricultural workers dwelling).

Indicative plans have been submitted with the application showing the potential layout of the dwelling within the site, together with a supporting appraisal that contains the justification for an additional dwelling on the site.

The plans show the house to have be located fairly centrally within the plot with garden areas surrounding the dwelling on three sides with parking provision sited to the east.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Development Plan for this site is the Staffordshire Moorlands Local Plan (2020). Adopted Supplementary Planning Documents (SPD's) together with the National Planning Policy Framework (NPPF) are also material considerations in the assessment and determination of this application.

Staffordshire Moorlands Local Plan (Sept 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS5 Leek Area Strategy
SS10 Other Rural Areas Strategy
SD1 Sustainable Use of Resources
H1 New Housing Development
DC1 Design Considerations
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
T1 Development and Sustainable Transport

Adopted Supplementary Planning Documents

Design Guide SPD (2018)
Design Principles SPD (1998)
Space about Dwellings SPD (1996)

Revised National Planning Policy Framework 2019

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12

Conserving and Enhancing the Natural Environment Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2000/0292	Retention of use of premises for agricultural/civil engineering plant hire depot and parking (Refused 27/07/2000)
SMD/2000/1095	Retention of use of part of premises for civil engineering plant hire depot (Refused 03/03/2001)
SMD/2001/1106	Agricultural Building (Granted 01/10/2001)
SMD/2001/0709	Slurry Container (Approved 29/08/2001)
SMD/2003/0186	Certificate of proposed lawful development of building within domestic curtilage (Refused 24/03/2003)
SMD/2003/0729	Recreational Fishing Lake (Refused 12/05/2003)
SMD/2003/1208	Formation of Recreational Fishing Lake (Approved 31/10/2003)

CONSULTATIONS

Publicity

Site Notice expiry date: 22nd August 2019
Neighbour consultation period ends: 8th August 2019
Press Advert: N/A

Public Comments

None

Tittesworth Parish Comments

No objections in principle provided the need is justified. The Council has not been permitted to view the evidence for the dwelling and is therefore not able to make a judgement on the need. If the application were to be approved, the Council would request an agricultural occupation condition.

Staffordshire County Council Highways

No comments received at the time of writing

OFFICER COMMENTS

Principle of Development

The site seeks outline planning permission for an agricultural workers dwelling on a site that lies outside of the development boundary and in the open countryside as defined on the Local Plan Proposals Map. The site is not located in the Green Belt.

Chapter 5 of the NPPF stresses the importance of delivering a sufficient supply of new homes for a variety of needs in suitable locations.

Local Plan (LP) Policy SS2 states that development will normally be unacceptable in the open countryside (and the Green Belt).

LP Policy SS10 is the strategic policy for the rural areas outside of the towns and villages. The policy states that these areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism and enhances the countryside. The policy restricts new build housing development in the countryside to that which has an essential local need to be located in the countryside in accordance with LP Policy H1.

LP Policy H1 contains a specific list of where new residential development will be supported within the open countryside which includes:

b) a new dwelling that meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker, where the need for such accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere.

Agricultural Need

In light of the above policy context, the principle of development can only be supported in the event that the application can fully and satisfactorily demonstrate that there is a genuine need for additional accommodation on site required to support the agricultural business.

It is not disputed that there is an active agricultural business operating from Brooklyn Grange Farm. The application has been accompanied by an appraisal that sets out the context of the farm operations, the staff who reside at the current bungalow, and the working hours that are required to sustainably run the business.

It is stated by the appraisal that business is run by 2 key workers - Mr Higton and his daughter – who both reside at the current bungalow together with her young family – thereby resulting in overcrowding. It is argued that the current bungalow provides housing for one key worker, with an assessment concluding that the working hours amount to a need for more than 3 full time workers on site. It is acknowledged that not all of this work requires workers on site, and be on hand to attend unexpected or suddenly prolonged tasks.

The appraisal continues by stating that it would not be reasonable that all such responsibilities should just rest with just one key worker, who could reasonably expect leave and rest.

It is stated that the proposed dwelling would provide accommodation for a second key worker, who would not necessarily be related the applicant but will nevertheless require to be provided with family sized accommodation on the holding. The appraisal goes on to state that the house would be provided as part of an employment contract.

What is not clear from the appraisal is what role Mrs Higton, who resides with Mr Higton in the current bungalow - plays in the operations of the farm business. Should Mrs Higton be involved in the farm business, this means that there are 3 full time staff on site at present (Mr and Mrs Higton and their daughter).

At the request of Officers, the appraisal submitted by the applicant's agent has been independently reviewed by Chris Harvey of Harvey Hughes Independent Rural Consultations. Following significant delays that relate to obtaining financial records from the applicant, the independent was received in January 2021.

This independent appraisal had regard to local planning policies contained within the Core Strategy (2014) which has now been superseded by the current Local Plan. However, the policies that relate to rural development, new housing in the open countryside, and agricultural workers dwelling are broadly consistent and thus the appraisal is up-to-date with regards to policy considerations.

The relevant conclusions of the Appraisal are as follows:

- *Suitable accommodation test highlights that the application for an agricultural workers dwelling is relevant on the basis that there are no suitable properties within sight and sound of the farm yard, that are within the price range of an agricultural worker*

- *It is evident from reviewing the existing cattle numbers on site that there is sufficient workload for 2.93-3.20 full time labour units, however it has not been clearly demonstrated that this need is required throughout the year, with the submission of a labour calendar detailing the farms demand periods throughout the year it will allow the time test to be assessed in more detail*

- *The financial test of the business is unclear based on the accounts that have been provided and they way in which they have been presented.*

- *An amalgamated set of accounts from 2019 and 2018 have been prepared based on the information provided however the year ending 2020 and year ending 2017 can not be fully assessed, as such three-year previous set of account can not be assessed in full*

- *Having reviewed the financial viability of the business based on all information provided however it would appear that the business has only been capable of supporting such a project once in the last four years*

- *Should the missing accounts, outlined within section 8.0 of this report, be provided a more accurate assessment of the business viability can be undertaken*

- *Confirmation regarding the structure of the business, relating to farm/cattle rental, will also allow a more concise assessment of the businesses viability to be undertaken*

- *The proposal appears to support the basis of the successional test of the business; however, this has not been addressed within the supporting document provided with the application, confirmation of the successional test interpretation will need to be provided by the applicant.*

- *The timing of peak labour demands and viability of the business are unclear, as such further information must be provided before a conclusion for each point can be prepared*

Based on the above conclusions, whilst it appears that there is justification for an additional worker to meet the needs of the farming unit, officers consider that the principle of development cannot be supported given the lack of detail relating to the financial viability of the existing enterprise to support an additional agricultural worker. Upon seeking clarification on this assessment from Harvey Hughes, Mr Harvey responded as follows by email on 12th January 2021:

"Yes, I agree with your summary. We are happy that most of the tests have been satisfied, with the exception of finance. The structure of the company, operating in three different formats doesn't provide for a clear enough indication of profitability (i.e renting cows and farm from Father. We have asked on numerous occasions for this to be clarified, but it hasn't….if they did produce a set of accounts that simply sets out the farming situation then we probably could support the application (subject to seeing the detail)"

In light of the above, it is concluded that in its current form, the application fails to comply with Policies SS10 and H1 of the Local Plan and thus cannot be supported as a matter of principle.

Ecology

LP Policy NE1 refers to biodiversity and geological assets and resources within the District and states that these will be conserved and enhanced by positive management and strict control of development (and having regard to relevant ecological evidence specifically by ensuring that all development schemes have regard to the surveys and actions recommended by Extended Phase 1 Habitat Surveys

Chapter 15 of the NPPF contains relevant national policies that requires local authorities to be satisfied that sufficient survey works demonstrate that no protected habitat or species will be adversely affected and identify appropriate mitigation measures that secures a nett gain in biodiversity.

The application site lies within the open countryside within relatively close proximity to a number of agricultural structures and a large body of water that have the potential to accommodate protected species and habitat covered by the Countryside

and Wildlife Act 1981. As such, early on in the consultation period, the applicant was advised that as a minimum, a Phase 1 Habitat Survey would be required to demonstrate that the application would not result in any adverse harm to ecological or geological assets.

In the absence of such information, it is not possible for the authority to conclude that the proposed development would not adversely affect protected species or habitat and provide a nett gain in biodiversity, and therefore it is considered that the application conflicts with Policy NE1 of the Local Plan and relevant paragraphs within Chapter 15 of the NPPF.

Design, Landscape and Visual Impact

LP Policy SS1 sets out a number of development principles with the aim that development and uses of land contribute positively to the social economic and environmental improvement of the Staffs Moorlands, supporting development that maintains the locally distinctive character of the Staffs Moorlands, its individual towns and villages and their settings.

LP Policy DC1 states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD. In particular, new development should be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area; and be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance.

LP Policy DC3 refers to Landscape Character and states that the Council will protect and where possible enhance local landscape and the setting of settlements in the Staffs Moorlands by supporting development which respects or enhances the setting of the settlement and conversely resisting development which would lead to a prominent intrusion into the countryside or have a significant adverse impact on the character of the landscape.

The Staffs Moorlands Design Principles SPD and more recently adopted Design Guide SPD provides further useful guidance for development in the rural areas.

Paragraph 127 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

The application is submitted in outline form with all matters reserved apart from access. It is therefore not possible to fully consider the design features of the proposed dwelling and its impact on the surrounding rural landscape, with regards to its scale, form, and layout.

As per the description of development, the proposed dwelling would be two-storey. Given its close proximity to larger agricultural buildings, and that it would be read

from the public highway within the context of the farm complex, it is considered that in the event the proposed agricultural workers dwelling could be fully justified and thus the principle of development be supported, it is unlikely that the Council would raise any objection in principle to a two storey dwelling and its impact on the rural landscape, subject to detailed discussions with regards to scale, layout, height, massing and visual appearance, at the Reserved Matters stage.

Amenity

LP Policy DC1 requires that all new development protects the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

The Space about Dwellings SPD provides further useful guidance in relation to the relationship between existing and proposed development, minimum distances between habitable windows, and minimum requirements for associated amenity areas.

Paragraph 127 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

The application is in outline form and therefore details relating to floor layout and positioning of habitable windows are not provided. It is therefore not possible to fully assess the potential impact of this dwelling on the neighbouring property to the south east of the site.

However, given its rural location, and spatial relationship with the existing neighbouring property, it is anticipated that in the event that the principle of development could be supported and that ecological issues could be resolved, the authority would work constructively and pro-actively to ensure that the final scheme preserved amenity of current and future occupiers, in line with LP Policy DC1, the Space about Dwellings SPD, and paragraph 127 of the NPPF.

Highway Safety

LP Policy T1 states that the Council will promote and support development which reduces reliance on the private car for travel journeys, reduces the need to travel generally by ensuring that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development.

Paragraph 108 of the NPPF states that in assessing applications for development, a safe and suitable access should be achieved for all users. Paragraph 109 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site benefits from an existing single farm access track from Thorncliffe Lane. The new dwelling would be occupied by the daughter of the applicant who already lives at the site. Therefore in terms of traffic movements, there would be no net gain

beyond the existing situation along the existing access track. As such, and in the absence of any objection from the highway authority it is considered that there would be no harm to safe operation of the public highway or surrounding road network.

As such, the application is to comply with LP Policy T1 and paragraph 108 of the NPPF.

CONCLUSION / PLANNING BALANCE

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks outline permission for a two storey agricultural workers dwelling at Brooklyn Grange Farm, with all matters reserved apart from access.

The Local Plan has recently been adopted and as such the Council can demonstrate a 5 year supply of deliverable housing land. The strategic policies for the supply and location of housing can thus be given full weight.

A detailed assessment of the application has concluded that insufficient information has been submitted that would allow the Authority to conclude that the existing farming enterprise is capable of financially sustaining an additional agricultural workers dwelling, thus in principle the development fails to comply with Local Plan Policies SS10 and H1.

Furthermore, the application has not been accompanied by an Ecological Appraisal. Given the sites rural context and being situated within close proximity to buildings and a watercourse within 100m that have potential to accommodate protected species and/or habitat, the applicant was requested to submit appropriate survey information. In the absence of such information it is not possible to conclude that the application would not harm ecological assets and provide a nett gain in biodiversity, contrary to LP Policy NE1 and relevant paragraphs under Chapter 15 of the NPPF.

Based on the analysis within this report it is concluded that the application constitutes an unsustainable form of development and in line with paragraph 11 of the NPPF is it recommended that the application is refused.

OFFICER RECOMMENDATION : Refuse

Case Officer: James Stannard
Recommendation Date: 19th February 2021

X

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council