

PLANNING STATEMENT

**APPLICATION PROPOSAL: OUTLINE APPLICATION WITH DETAILS OF
ACCESS (ALL OTHER MATTERS RESERVED) FOR A FARM
WORKERS DWELLING**

**APPLICATION ADDRESS: HEATH HOUSE FARM COTTAGE, OSTLERS
LANE, CHEDDLETON, STAFFORDSHIRE, ST13 7DQ**

APPLICANT : MR J CARR

DATE : OCTOBER 2022

JOB No. : 2022-2682

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1.0 INTRODUCTION

Sammons Architectural Ltd have been appointed by Mr Carr to prepare and submit an outline planning application which seeks approval of means of access with all other matters reserved for an agricultural workers dwelling in association with the existing agricultural use of the site at Heath House Farm Cottage, Ostlers Lane, Cheddleton. The application is accompanied by drawing numbers 2022-2682-01A and 2022-2682-02A which should be read in conjunction with this statement. It is also supported by an agricultural appraisal which has been undertaken by The Brown Rural Partnership (August 2022).

This proposal is considered essential to allow a genuine and established agricultural business to continue to expand and remain as a sustainable entity. Furthermore, as the business is financially sound it contributes to a sustainable economy whilst at the same time fulfilling an important social role as part of a thriving rural community. In addition by its very nature it also fulfils a key environmental role. Each of these three factors is a key component of any sustainable development.

As a consequence of the above it is vital that businesses like this are supported. In order to be able to continue in a sustainable way then it is essential that an agricultural worker resides on site. This statement examines how the proposed development relates to the site and its context and provide an explanation and justification for the proposed dwelling having regard to the national and local plan policy context. In addition to addressing the functional and financial tests this statement clarifies the additional considerations that were taken into account when preparing the application.

2.0 BACKGROUND

The proposal is to build a dwelling for the owner of the business who needs to be on site on a permanent basis. The applicant has a number of reasons both in terms of expanding the existing business but primarily on animal welfare grounds.

The land and buildings associated with the farming enterprise extend to approximately 56.29ha (139.09 acres) including a yard area with a number of agricultural buildings. Around 10.49 ha (25.92 acres) of the land surrounding the existing agricultural buildings is owned by the applicant and has been within the Carr family since 1946 with the remaining land being rented via a long term farm business tenancy and has been occupied since the 1980's. The agricultural holding is registered with DEFRA.

As set out in the accompanying agricultural appraisal undertaken by Michael Statham of The Brown Rural Partnership the applicant the chief enterprise on the holding is the finishing of beef cattle and current working practices and stocking levels are set out within the main body of the agricultural appraisal.

3.0 APPLICATION SITE DESCRIPTION

The application site comprises of an irregular shaped parcel of land which extends to some 996 sq metres. It forms part of a larger parcel of land which forms the applicant's agricultural holding and includes grass fields, and a range of poral framed buildings which are with the exception of a stand alone building to the north laid out in a loose courtyard arrangement.

Access to the site would be via the existing vehicular access off Ostlers Lane. It is set within a semi rural located with the eastern boundary of the land holding close to the south western fringes of Cheddleton. The landscape is predominantly farmland, interspersed with hedgerows, narrow lanes and occasional buildings.

The Landscape Character Assessment (LCA) identifies Cheddleton as lying within the Dissected Sandstone Cloughs and Valleys character area. This document describes Cheddleton as having and "old village core which sits on a steep rocky spur overlooking the valley of the River Churnet. The old village is centred ion Hollow Lane, a heavily shaded sunken lane with houses on either side of the road around the church". It notes that "Cheddleton has expanded to become a large village with substantial modern residential development to the south and south east of the old village core, on both sides of the A520". The main document describes the key characteristics as being "deeply incised wooded valleys with narrow winding watercourses, historic parkland, stone buildings and walls, sheep and cattle farming with smallholdings, large broadleaf woodlands with newer conifer plantations, narrow sunken lanes with hedgebanks and tall hedges that limit views, dominant views to higher ground and lowland heath". The LCA also identifies a number of incongruous landscape features, which include sand and gravel quarries and associated industrial areas, Alton Towers theme park, busy roads, stock proof fencing and deteriorating hedgerows.

The site of the proposed dwelling would be on a parcel of agricultural land which lies to the north west of the existing agricultural buildings and lie close to and parallel with the adjacent highway. The application site would be accessed via the existing farm entrance, which lies to the south, with

the track extended in a northwards direction contiguous with the eastern boundary of the application site.

There is currently no on site accommodation associated with the holding and the level of man hours associated with the operations of the holding, as set out in the supporting agricultural appraisal, demonstrate a need for on site accommodation. It is essential for the proper and continued management of the agricultural enterprise for a farm worker to live on site to provide for the needs of the holding as well as to provide the level of security and animal welfare and husbandry which is necessary for a holding of this scale.

The applicants have previously tried to address this need through the conversion of a modern portal framed building under a Class Q prior approval application however this has been refused on three occasions under applications DET/2018/0043, DET/2020/0002 and DET/2020/0025 and subsequently refused at appeal twice under appeal references APP/B3438/W/20/3230017 and APP/B3438/W/20/3257859. Therefore, in the absence of any buildings suitable for conversion there is no alternative accommodation that could meet the functional need associated with the holding in this instance.

4.0 APPLICATION PROPOSAL

This is an outline application which seeks means of access, with all other matters reserved, for an agricultural workers dwelling in association with the existing agricultural use of the site. An indicative plan drawing number 2022-2682-01A shows the proposed siting of the property, its curtilage and associated parking and turning areas. The proposed dwelling has been sited closely to the existing built development on the site partly to prevent encroachment into the Green Belt but also to ensure that it provides effective surveillance of the adjacent farm buildings.

Whilst scale is not a matter for consideration of part of this application it is considered that the property will be two storey and provide a living room, kitchen utility and hallway, farm office and boot room at ground floor with two/three bedrooms above. Appearance is also not for consideration at this time however it is expected that any approved dwelling would be constructed from natural stone under a plain clay tile roof which is in keeping with the local and vernacular style of buildings within the area.

The proposed dwelling would be accessed via the existing access off Ostlers Lane which is provided with good visibility and which currently serves the agricultural activities carried out.

Once access is provided into the application site a spur road would run contiguous with the roadside hedgerow boundary providing access to the proposed dwelling. Adequate parking and turning facilities would be provided within the site as well as amenity space to serve the dwelling and it is envisaged that the curtilage would be defined by a post and rail timber fence supplemented with a native hedgerow.

5.0 POLICY

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 the area consists of the Staffordshire Moorlands Local Plan (2020). The most relevant policies are considered to be:-

SS1 Development Principles

SS2 Settlement Hierarchy

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 are also a material consideration in the assessment and determination of this application. These comprise of:-

Design Guide SPD (2018)

Design Principles SPD (1998)

Space About Dwellings SPD (1996)

The National Planning Policy Framework, as updated in July 2021, sets out the Government's planning policies for England, and how it is expected that these will be applied. It establishes a framework within which local people and planning authorities can produce their own local and neighbourhood plans and is a material consideration in planning decisions.

The heart of the NPPF embodies, in Section 2 paragraph 11 a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay.

Paragraph 12 confirms that the presumption in favour of sustainable development established by the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date local plan should not usually be granted planning permission, and decisions that depart from an up-to date development plan should only be taken if material considerations in a particular case indicate that the plan should not be followed.

The most relevant sections are 2 (Achieving Sustainable Development), 5 (Delivering a Sufficient Supply of Homes), 6 (Building a Strong, Competitive Economy), 9 (Promoting Sustainable Transport), 11 (Making Effective Use of Land) , 12 (Achieving Well Designed Places) 13 (Protecting Green Belt land) and 15 Conserving and Enhancing the Natural Environment. Again these are not reproduced in full here but referred to below where appropriate.

6.0 ASSESSMENT

Principle

Chapter 5 of the NPPF stresses the importance of delivering a sufficient supply of new homes for a variety of needs in suitable locations. In relation to residential development in rural areas, the NPPF at paragraph 78 states:-

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities ". It goes on state at paragraph 79 that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:-

(a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside".

Local Plan Policy SS2 states that development will normally be unacceptable in the open countryside and the Green Belt. Local Plan Policy SS1- 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 area, promotes sustainable tourism and enhances the countryside. The policy restricts new building housing development in the countryside to that which has an essential local need to be located in the countryside in accordance with Local Plan Policy H1.

Local Plan 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.

The principle of a rural workers dwelling is therefore considered acceptable in accordance with Policy H1 of the Local Plan subject to compliance with the following key issues, each of which are discussed in turn below:

- Whether the proposal would be an isolated dwelling in the countryside and, if so, whether there is an essential need for a dwelling to accommodate rural worker(s)
- Impact upon the character and appearance of the area;
- Impact upon highway safety;

Whether the proposal would be an isolated dwelling in the countryside and, if so, whether there is an essential need for a dwelling to accommodate rural worker(s)

The planning guidance that the NPPF replaced, in relation to rural workers accommodation was PPS7 and in particular its Annex A. This set out a detailed approach to the assessment of proposals for agricultural, forestry and other occupational dwellings with different approaches set out for new and emerging businesses (involving temporary accommodation in the first instance) and established enterprises. Specifically the guidance set out a framework for assessing the need for rural worker accommodation by means of functional and financial tests.

Following the publication of the NPPF and the withdrawal of PPS7 there has been a tendency for practitioners, both planning authorities and inspectors alike, to place some reliance upon the

former guidance, due largely to the absence of more detailed guidance on what "essential need" referenced within the NPPF may comprise.

A measure of caution needs to be applied to this approach. The new, rationalised succinct guidance was published for a reason and the withdrawal of the more detailed guidance was clearly done for a reason. Whilst some consideration may be given to the broad rationale behind the former guidance it would be inappropriate to base post NPPF decision making upon a detailed interpretation of withdrawn policy guidance.

Functional Need

The welfare of these animals is protected by the Welfare of Farmed Animals (England) Regulations (2007). This legislation is supported by DEFRA guidance which recommends a permanent staff presence on the farm.

The essential need for a workers dwelling is set out within the Agricultural Appraisal undertaken by Michael Statham of Browns Rural Partnership which demonstrates that the scale of the holding requires a minimum labour requirement of 2,340 hours (377 standard man days) or 1.39 full time workers based on the holdings current operations which would be increased to 2600 hours (417 standard man days) or 1.52 full time workers. There is therefore a very clear and genuine need for an agricultural worker to be present on the site.

Financial Need

With regards to the financial status of the enterprise, in *Embleton Parish Council & Anor, R v Gaston* [2013] the courts made it clear that the NPPF does not require a demonstration that the enterprise has been planned on a sound financial basis in order to justify the need for a worker's dwelling.

Whilst the accounting information for the last few years trading accounts is variable it should be noted that the applicants business is clearly established and having been commenced over 45 years ago. It should also be noted that the agricultural sector is a volatile market. Pressure on the section and markets is continually causing fluctuating on the prices that can be achieved for the finished cattle due to the potential for cheaper import from European countries as well as from the South American 'Mercosur Countries' (Argentina, Brazil, Paraguay and Uruguay) as well as the increases to 'input' prices around the corn required to be purchased for the animals and to the costs of producing silage for winter feed. Whilst the price for finished beef cattle is currently fairly buoyant, the current world events are indicating a further increase to corn prices as well as other

costs to the farm. Notwithstanding the variability of the trading accounts it is clear that the holding has remained profitable and has continued to trade for nearly half a century.

In addition the intention to introduce a breeding sheep enterprise to the holding indicates the continued level of commitment and investment the applicant has to the farm and which will help to create another income stream and reduce the reliance on the beef market. It is clear that this level of financial investment demonstrates the applicant's ongoing commitment to growing and sustaining the business at the site which will contribute to rural economic development which is supported by Paragraph 83 of the NPPF. In conclusion it is therefore clear that the applicant's business is financially sound and has the clear prospect of remaining so.

Currently the applicants live away from the holding which involves a number of return journeys each day, 365 days a year. An on-site presence would provide on site security, ensure that they are providing appropriate animal husbandry and dramatically reduce their carbon footprint, in line with National and SMDC Policies.

In conclusion therefore it has been demonstrated that there is a viable business operating on the land for which there would be an essential need for a rural workers dwelling. Furthermore, it is clear from the previous applications and refusals that there is no alternative suitable accommodation on the holding which would meet this need. For these reasons it is considered that an essential need to accommodate a rural worker has been demonstrated and that the proposed development would comply with Local Plan Policies SS10 and H1 and the NPPF in this regard.

The effect of the proposal on the character and appearance of the area

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 130 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 currently under consideration seeks outline consent only with the exception of means of access. Therefore final details of the scheme are reserved for future consideration. Notwithstanding this, as set out in the proposal section of this report it is considered that the property will be two storey and provide a living room, kitchen utility and hallway, farm office and boot room at ground floor with two/three bedrooms above. Appearance is also not for consideration at this time however it is expected that any approved dwelling would be constructed from natural stone under a plain clay tile roof which is in keeping with the local and vernacular style of buildings within the area.

The siting of the proposed dwelling has been carefully considered and chosen on the basis that it will form part of the existing built development and is closely related to the existing physical features on the site (hedgerows) and seen against the backdrop of other built development, on the opposite side of the highway, especially when viewed from the north west and south west. It will not therefore appear as an isolated or incongruous form of development but be read as part of this sporadic group of development located on the southern fridge of the village. For these reasons it is considered that the application proposal would comply with Local Plan policies DC1 and DC3 and with more general national guidance within the Framework.

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 vehicular access which is used to serve the agricultural holding. The application proposes to use this existing point of access onto Ostlers Lane for the new dwelling and it is not considered that the provision of a single dwelling would result in intensification of use which would represent a danger to highway safety. In this respect it is considered that the proposal complies with Local Plan Policy T1 and the NPPF in this regard.

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

Given the rural location of the site and the spatial relationship of the proposed dwelling with the neighbouring residential properties it is not considered that the proposed development would not be detrimental to the amenity of current and future occupiers. The proposal is therefore considered to comply with LP Policy DC1, the Space about Dwellings SPD, and paragraph 130 of the NPPF.

7.0 CONCLUSION

It has been adequately demonstrated through the accompanying agricultural appraisal that the operation of the established business on site requires on site accommodation for animal welfare and security purposes. The continued viability and functioning of the business depends on the provision of some form of on site accommodation. As well as a clear functional need, the business has been planned on a sound financial footing and is demonstrably viable and capable of sustaining the provision of on site accommodation. The business has existed for over 45 years and there are good prospects of that profitability continuing into the future.

The application is submitted in outline with means of access sought and all other matters reserved. The indicative siting shows that the proposed dwelling would be sited sensitively within the holding, on an area of previously developed land and relates well to the existing building group. It is considered that the proposal would comply with Local Plan Policies D1 and D3 in this

regard. The proposed development therefore represents sustainable development which accords with national and local planning policy guidance for the provision of accommodation in connection with an appropriate rural activity and the Local Planning Authority are therefore respectfully requested to grant consent without delay.