

3/10/0900/FP – 2 bed agricultural workers dwelling and integrated farm office at Dowsetts Farm, Dowsetts Lane, Colliers End, SG11 1EF for RW Pearman and Son.

Date of Receipt: 02.06.2010

Type: Full – Minor

Parish: STANDON

Ward: THUNDRIDGE & STANDON

RECOMMENDATION

That planning permission is **REFUSED** for the following reasons:-

1. The Local Planning Authority is not satisfied of the overriding agricultural necessity for the proposed dwelling or that it meets the tests applied in PPS7. The development would thereby be contrary to the provisions of Policies GBC3 and Annex A of PPS7: Sustainable Development in Rural Areas.

_____ (090010FP.FH)

1.0 Background

- 1.1 The application site is located off Dowsetts Lane, along a private access, to the north east of Colliers End. Dowsetts Farm is an arable farm located within the Rural Area Beyond the Green Belt as defined in the East Herts Local Plan and is shown on the attached OS extract. The application site is rectangular in shape and is some 0.09 hectares in size.
- 1.2 The application site forms part of a cluster of farm buildings, of varying styles, ages and size. Directly to the north is Dowsetts Farmhouse, a Grade II Listed Building, to the west are two traditional weather boarded barns and a large utilitarian building and to the east are three large, modern agricultural buildings. There are open fields to the south.
- 1.3 The site until 2008 contained a former army barracks hut some 22 metres in length and 6 metres in depth and 4.8 metres in height. Planning permission had been granted for the conversion of that building (see planning history below) but the building was subsequently demolished.
- 1.4 The current application seeks permission to construct a detached 2 bed single storey dwelling with connecting office in the centre of the site to accommodate a farm worker. It is proposed to imitate the form and size of the demolished army barracks hut other than the provision of a new open porch. Materials of construction include reclaimed brickwork, feather edge

timber boarding and natural slate. The rest of the site is to be laid to gardens and 3 car parking spaces are to be provided.

2.0 Site History

2.1 In 1989 planning permission was granted for the construction of an agricultural workers dwelling. At that time the farm raised livestock (2000 chickens and turkeys) and Mr R Pearman wished to retire from full time farming. The application was granted on the basis that it was deemed essential that there be one person readily available at all times of the day and night in order to care for the poultry and to enable Mr Pearman's son, who was to take over the management of the farm, to live on site in addition to Mr Pearman who wished to continue to reside at the farm after his retirement. The dwelling was not constructed.

2.2 Planning permission and listed building consent were granted in 2006 (LPA Refs: 3/06/0423/FP and 3/05/2189/LB) for the '*Conversion of listed barns into 3 residential units with garages*'. This included the army barracks building mentioned in paragraph 1.3 above.

2.3 In September 2008 it came to the Council's attention that the building had been demolished and new footings and a concrete plinth were in the process of being built. The owner was advised by the Enforcement Section that the new building under construction was not in accordance with the planning permission which only allowed the conversion of the existing building and any replacement building or new dwelling house would need separate planning permission.

2.4 In December 2008 an application (LPA Ref: 3/08/1994/FP) was submitted for the construction of a single dwelling. Planning permission was refused by the Development Control Committee on 11 March 2009 for the following reason:

1. The application site lies within the Rural Area Beyond the Green Belt, as defined in the East Hertfordshire Local Plan, where development will only be allowed for certain specific purposes. There is insufficient justification for the construction of a new dwelling, which is contrary to the aims and objectives of policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007.

2.5 The subsequent appeal was dismissed on 23 November 2009. The Inspector included that '*The current scheme does not fall within any of the categories of appropriate development expressly identified in Policy GBC3, And, contrary to the appellants' submission, the site's history does not, in my view, make the scheme appropriate development in 'The Rural Area*

Beyond the Green Belt'; the qualifying categories are clearly spelt out in the policy. Nor is any claim made that the dwelling is needed in association with agriculture or forestry or any other occupation requiring a rural location. I therefore find the scheme represents inappropriate development in terms of Policy GBC3, in which case it is contrary to both this policy and Policy GBC2.

...notwithstanding the site's history, the erection of a new dwelling in this location would conflict with the strong restraint on inappropriate development that applies in 'The Rural Area Beyond the Green Belt'. It would undermine what I regard as the well-founded objective of concentrating and directing development to the main settlements in the area, and which I find consistent with national policy guidance contained in PPS1.'

- 2.6 A further planning application was submitted in June 2009. This again sought permission for the construction of a single dwelling and proposed the dwelling be linked to the agricultural holding by a S106 agreement for rental purposes. Planning permission was refused on 3 September 2009 for the same reason as the previous application.
- 2.7 In December 2009 an application was submitted for the construction of a 2 bed agricultural workers dwelling and integral farm office. This was proposed to be in the same location and the same size as the dwelling previously refused. This was withdrawn by the applicant prior to its determination.

3.0 Consultation Responses

- 3.1 Veolia Water advises that the site is located within the groundwater source protection zone of Standon pumping station. The construction works and operation of the proposed development should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the ground water pollution risk.
- 3.2 County Highways advises that the proposal is acceptable in a highway context.
- 3.3 The County Archaeologist considers that the proposal is unlikely to have an impact upon significant heritage assets.
- 3.4 Environmental Health advises that any planning permission should include conditions regarding construction hours of working, dust, soil decontamination, bonfires and refuse disposal facilities.

3.5 The Council's Conservation Officer advises that the proposal would have a minimal impact upon the character of the listed building and associated farmstead in terms of its mass, scale and design. Its success will depend upon the quality of materials used.

4.0 Parish Council Representations

4.1 Standon Parish Council has raised no objections.

5.0 Other Representations

5.1 The applications have been advertised by way of press notice and site notice.

5.2 No letters of representation have been received.

6.0 Policy

6.1 The relevant 'saved' Local Plan policies in this application include the following:-

GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
TR7	Car Parking Standards
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV9	Withdrawal of Domestic Permitted Rights
BH1	Archaeology and New Development
BH2	Archaeological evaluation
BH3	Archaeological conditions and agreements

6.2 In addition, the following National policy guidance is relevant:-

Planning Policy Guidance 5, Planning for the Historic Environment
Planning Policy Statement 7: Sustainable Development in Rural Areas

7.0 Considerations

7.1 The main determining issue in this case relates to whether the proposal is appropriate within the Rural Area Beyond the Green Belt, where the aims and objectives of policy are placed firmly on growth restraint. Consideration also needs to be given to the design and appearance of the new dwelling, any impact the proposal may have on the setting of the adjacent Grade II Listed Farmhouse and barns, any impact the proposal may have on the neighbouring properties, parking and access.

Principle of Development

- 7.2 Within the Rural Area Beyond the Green Belt permission will not normally be given for the construction of new buildings or changes of use, other than for those purposes listed under the policy as appropriate development. Under the provisions of Rural Area Policy GBC3 and PPS7: Sustainable Development in Rural Areas a permanent agricultural workers dwelling may however be acceptable if it has been demonstrated that there is a functional need for the dwelling and it is sensitively designed and sited to minimise the impact of the building on the character and appearance of the countryside.
- 7.3 Annex A of PPS7 states that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing there is a clearly established existing functional need i.e. it is essential for the proper functioning of the enterprise for 1 or more full time workers to be readily available at most times of the day and night, the examples of such cases are given as in the case of animals who need care at a short notice or to deal with emergencies that could otherwise cause serious loss of crops or products.
- 7.4 In this case I consider that the functional need of the unit relates specifically to the need to employ a farm worker/ manager to help run the business which is now purely arable. There is an existing dwelling on the site, Dowsetts Farmhouse, which is occupied by Mr and Mrs R Pearman. Mr Pearman is however fully retired and currently the farm is run by his son Mr J Pearman who lives off site. No changes in farming practices are proposed however it is stated that due to ill health there is an immediate need for an assistant on the farm.
- 7.5 Supporting information indicates that the new farm manager needs to reside on site to enable them to carry out all the daily duties required such as the monitoring of grain drying operations, monitoring grain in store, loading/unloading lorries, pest control, maintenance and all arable operations. The farm however appears to be running successfully under the current arrangements with Mr J Pearman managing the farm and living off site and no evidence has been submitted to support any suggestion that serious loss of crop or similar has taken place due to there being no on site supervision. Whilst I acknowledge that it may be convenient to accommodate a worker on site I am not convinced from the information submitted that it is essential for the proper functioning of the enterprise for one or more persons to be readily available at most times of the day or night.

- 7.6 The applicant in their justification has stated that general security is becoming a major rural issue, and that the provision of a dwelling would allow a watch to be kept on the whole farmyard day and night. The application does not, however, contain any details of any specific security issues on the site, for example thefts from the site. Furthermore, there are no details of any alternative security measures that have been considered, e.g. CCTV. I do not consider that in this instance the applicant's argument regarding security justifies the need for a dwelling on the site. It should also be borne in mind that there is already an occupied dwelling on the site, in close proximity to the proposed dwelling, and consent has been granted for the conversion of the existing barns at the farm to two further dwellings. There is therefore already a residential presence on the site that provides surveillance over the farmyard and the number of dwellings may increase in the future.
- 7.7 PPS7 also states that new permanent dwellings should only be allowed where the functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation in the area. Although Officers do not consider that a functional need exists in this case, it is still necessary to consider whether such a need could be fulfilled by another dwelling. As mentioned earlier in this report, permission has been granted for the conversion of two barns on the site into two dwellings. No information has been provided as to why these dwellings could not provide for the need identified by the applicant. Furthermore, no detailed assessment has been made of other accommodation in the area that may be suitable or available for either rent or purchase.
- 7.8 PPS7 further advises that *'where a local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish any recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.'* In this case as outlined in Section 2 planning permission was granted in 2006 for the conversion of 2 listed barns on the site to be converted into 2 dwelling houses and the applicant has applied on several occasions for planning permission for the construction of a new dwelling without an agricultural tie. Council records indicate that in all the applications the land/ buildings are owned by RW Pearman & Son.
- 7.9 I have considered the arguments in favour of the development and the submitted information most carefully on this occasion. Whilst I understand the security issues that surround the operation of rural enterprises and the operational needs of the unit, it really is not the case that the proposals here are in line with either local or national policy. Given the number of

operations of this nature that exist across the district it would be all too easy for the same circumstances to be claimed on numerous occasions and for the resulting development to be of considerable harm to the character of the countryside.

- 7.10 Taking into account all of the above considerations it is concluded that in this case a functional need does not exist to allow a dwelling on this site. The proposal therefore fails to meet the requirements of PPS7.

Size, Siting and Design

- 7.11 The proposed dwelling imitates the form and scale of the demolished army barracks and its design replicates the planning permission for converting the former building granted in 2006. Consequently, I am satisfied that in terms of size, siting and design, the building is appropriate in this location. Of course, this does not overcome the matters of principle that are referred to above.

Impact on the setting of the Listed building

- 7.12 In line with comments from Conservation and on the basis that the new dwelling will replace the demolished army barracks, I consider that the proposed development will have a minimal impact on the setting of the listed building and associated farmstead. This view is supported by the Inspectors decision in relation to 3/08/1994/FP, which did not raise setting as an issue.

Neighbour amenity

- 7.13 Turning to any impact the proposal may have on the amenities of the occupiers of Dowsetts Farmhouse; I am satisfied that due to the juxta position of the new dwelling to and the significant distance between the two buildings that the proposal would not result in any undue loss of privacy or light or have an overbearing impact.

Highways matters

- 7.14 Finally, with regards to traffic generation, access and parking, in line with comments from County Highways, I consider that the proposal would not unduly prejudice highway safety and that the existing access is adequate and sufficient parking is available on site.

8.0 Conclusion

- 8.1 Having considered the above matters, it is my opinion that the proposed development is contrary to both National and Local Plan policy. The application site lies within the Rural Area Beyond the Green Belt and no special circumstances exist to outweigh the presumption against development in this location.
- 8.2 For this reason I recommend that planning permission be refused for the reason set out at the commencement of this report.