

3/14/0596/FP – Erection of a farm manager's dwelling at Clements Farm, Brickendon Lane, Brickendon, Hertford, Herts, SG13 8FG for A T Bone and Sons Ltd

Date of Receipt: 07.04.2014

Type: Full – Minor

Parish: BRICKENDON LIBERTY

Ward: HERTFORD HEATH

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Approved plans (2E103) insert: B01/19/07, B01/19/08, B01/19/09, B01/19/10.
3. Wheel washing facilities (3V252)
4. Prior to work commencing on site details of sustainable construction and/or renewable energy measures to be employed in the construction and occupation of the dwellinghouse hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In accordance with the requirements for sustainable development set out in the National Planning Policy Framework.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order), 1995 no works or development as described in Schedule 2, Part 1, Classes A or E of the Order shall be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

6. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such person, and to any resident dependents.

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Reason: The proposed dwelling is situated in the Metropolitan Green Belt where the Local Planning Authority would not normally grant permission for such a development and this permission is granted solely in order to fulfill an essential agricultural need, in accordance with policy GBC6 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

Directives:

1. Other legislation (01OL1)
2. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. In connection with all site demolition, site preparation and construction works, no noisy working shall be carried out on the premises outside the following hours: 0730 to 1830 Monday to Friday, 0730 to 1300 on Saturdays and at no time on Sundays or bank holidays.
3. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways> or by telephoning 0300 123 4047.
4. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary, further details can be obtained from the Eastern Herts Highways Area Team, County Hall, Hertford, SG13 8DN (Telephone: 0300 123 4047).
5. If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer. Any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority, and all works shall cease until the Authority confirms in writing that appropriate measures have been taken to ensure that the contamination has been dealt with.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the pre-application advice given is that permission should be granted.

_____ (059614FP.MC)

1.0 Background:

- 1.1 The application site is shown on the attached Ordnance Survey extract. It forms part of an existing farm holding owned by the applicants. It is primarily arable land and includes two grain stores, permitted in 2000 and 2008, as well as a cattle shed and hay store permitted in 2009. The site broadly comprises open land to the north, south and east. Dense, mature landscaping along the west boundary of the site provides screening from Brickendon Lane.
- 1.2 This application seeks permission for the erection of a permanent two storey farm manager's house at the site, in place of an existing mobile home on the same site.
- 1.3 The mobile home has been sited on the land since 2009 to provide accommodation for a stockman at the site to monitor the herd of beef cattle that was introduced onto the site at that time. At the time of the current application the herd has expanded from the initial 20 cows to 75 cows and 2 bulls.
- 1.4 The 2009 permission was for a temporary 3 year period so that the Council could ascertain whether the new agricultural enterprise (cattle rearing) would succeed and therefore whether a dwelling, sited in the Green Belt could, be justified.
- 1.5 A subsequent application in 2012 sought the permanent retention of the mobile home. At that time Officers concluded that "while the business is clearly growing and investment has been forthcoming, it (the enterprise) remains in its infancy and projected income has not quite been matched by the reality". It was therefore decided that a further temporary consent should be granted for the retention of the mobile home to allow the

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applicant further time to establish the cattle herd as a viable business.

2.0 Site History:

2.1 The relevant planning history for the residential use of the site is as follows:

- 3/09/1066/FP – Temporary residential mobile home and agricultural buildings – Approved September 2009
- 3/12/1587/FP – Retention of timber-clad mobile home for occupation by agricultural worker – Approved November 2012

2.2 The permission granted in 2012 included a condition limiting retention of the mobile home on site for a period of 3 years, expiring on 28th November 2015.

2.3 Applications for the agricultural use of the site at Clements Farm have resulted in the construction of two other buildings, as follows:

- 3/00/1481/FP - Proposed portal framed replacement building consisting of grain store, implement shed and general store – Approved September 2000
- 3/07/2464/FP - Erection of grain store – Approved February 2008

3.0 Consultation Responses:

3.1 The County Council's Highways engineers have commented that the proposed farm managers dwelling is acceptable in a highway context...Vehicular access to the site is via an established junction onto Brickendon Lane, a C classified local access road subject to a 60 mph speed limit. Visibility is reasonable in both directions and the access is double width, allowing vehicles to enter the site at the same time as those exiting. This minimizes the risk of vehicles backing up onto the public highway.

3.2 Sufficient on-site parking is proposed from a highways aspect, and there is also sufficient turning space.

3.3 Environmental Health has requested a condition relating to discovery of the presence of any unsuspected contamination at the site. This has been added as a directive at the head of this report.

4.0 Parish Council Representations:

4.1 Brickendon Liberty Parish Council comments that it has no objection to the principle of the development. However, any new build house should be built sustainably, using natural energy provision and/or water conservation measures.

5.0 Other Representations:

5.1 The application has been advertised by way of site notice and neighbour notification.

5.2 No responses have been received as a result of these notifications.

6.0 Policy:

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

GBC1	Appropriate Development in the Green Belt
GBC6	Occupancy Conditions
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV14	Local Sites
TR7	Car Parking Standards

6.2 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance are also material considerations. Section 9 of the NPPF, Protecting Green Belt land, is of particular relevance in assessing the proposed development.

7.0 Considerations:

7.1 The determining issues in this case relate to the principle of the development in the Green Belt; its impact on the openness and character of the surrounding area; and whether there is an agricultural need for the accommodation as proposed that constitutes the 'very special circumstances' required to justify the development.

Principle of development

7.2 The site lies within the Metropolitan Green Belt wherein the erection of new dwellings constitutes inappropriate development in accordance with policy GBC1 of the Local Plan and guidance in the NPPF. Accordingly it is for the applicant to show that 'very special

circumstances' exist to justify the development. These circumstances must be shown to clearly outweigh the harm caused to the Green Belt by inappropriateness, and any other harm.

- 7.3 In this case, the applicant accepts that the proposal is inappropriate and that there would be harm caused to the Green Belt by reason of inappropriateness and also by loss of openness. However, it is argued that the agricultural need for the accommodation constitutes a material consideration of such weight that it outweighs the policy presumption against the development and the harm caused to the Green Belt. It is therefore suggested that this constitutes 'very special circumstances' for permitting the proposal.

Need for the development

- 7.4 With regard to agricultural workers' dwellings, the NPPF makes no general exception in its Green Belt policies that would make rural workers' dwellings in the Green Belt appropriate development. However, it states that while local planning authorities should avoid isolated new homes in the countryside, special circumstances such as an 'essential need for a rural worker to live permanently at or near their place of work in the countryside' (paragraph 55) may allow an exception to be made. The financial, functional and other tests set out in detail in the former Planning Policy Statement 7 have not been adopted in the NPPF. It therefore falls to the Local Planning Authority to determine whether there is an 'essential need' for this accommodation, and if so whether that need 'clearly outweighs' any harm to the Green Belt such as to constitute the 'very special circumstances' required to justify inappropriate development.
- 7.5 In this case, taking the earlier reference of PPS7 (which remains relevant in Officers' view albeit that the document itself has been revoked), Officers are satisfied from the evidence submitted that there is a functional need for one full time worker to be present on the site at most times and, in particular, at times when new calves are being born, usually between November and March. The requirements of tending to the animals could not be easily met by part-time employees, or employees living off-site.
- 7.6 It is also considered necessary to establish that the business operates on a sound financial basis in order to justify the erection of a permanent new dwelling in this Green Belt location. The initial application for permanent accommodation on the site, considered in 2012, was determined not to show that the business was making a sustainable profit that could reliably ensure the business' ongoing operation.

Officers determined at that time that permanent accommodation would not have amounted to sustainable development, and a further temporary consent was granted instead.

- 7.6 In the subsequent 2 years the business has continued to generate a profit, and is now operating at a profit of around £14,000 per year, exceeding the 2009 projection for this point in the business' operation.
- 7.7 Officers consider that a sufficiently convincing case has now been put forward on the financial stability of the business to support a case that there are 'very special circumstances' to warrant the grant of a permanent permission for a dwelling on the site. The applicant has established a profitable and sustainable business on the site and it requires permanent resident staff to ensure its ongoing viability.

Impact on the Green Belt

- 7.8 The dwelling would be screened from general public view by the established mature planting along the western boundary of the site. It would lie fairly close to the existing farm buildings to the south. There are no public rights of way within 500 metres of the site from which the building would be viewed. From beyond this distance, the building would not be a prominent part of the landscape, and would not cause material harm to the openness or character of the Green Belt.
- 7.9 The openness of the Green Belt is a key consideration, and harm occurs when openness is reduced, even when that loss is not publicly obvious. In this instance Officers consider that the harm to the openness of the Green Belt is relatively modest and limited to the impact of a single medium size dwelling.

Other matters

- 7.10 The proposed dwellinghouse would be two storeys in height with a hipped, pitched roof and with a ridgeline 8.5 metres above ground level. It would also include a basement to provide a store, utility room and gymnasium/games room. It would be of brick construction with a tiled roof, and in appearance would not be out of keeping with other dwellings in the local area. The building would form part of the group of farm buildings, although the siting of existing and new bunds would provide some screening and privacy.
- 7.11 Neither national nor local policy set a maximum size that will be considered for agricultural dwellings, and it is therefore necessary to determine whether the property would be appropriate for the needs of

the business.

- 7.12 The house would provide three bedrooms on the first floor with general living accommodation, including a small study, on the ground floor. The scale of the dwelling is considered by Officers to be reasonable to accommodate a full-time employee and their family. It is to be expected that the needs of the employee will change over time, particularly if the position changes hands. Officers consider that the scale of the house proposed, and the wider residential curtilage that would be established, represents an acceptably sized dwelling that comfortably meets the needs of the family enterprise. If permission is granted it is considered reasonable and necessary to withdraw Class A and E 'permitted development' rights for extensions and outbuildings in view of this.
- 7.13 A condition is recommended to ensure that the development employs sustainable construction techniques, such as the use of renewable energy, rainwater harvesting or other such measures. This is considered necessary and reasonable to ensure that the proposal represents a sustainable form of development and that the benefits of the scheme overall would be sufficient to outweigh the harm caused to the Green Belt.

8.0 Conclusion:

- 8.1 The site is located within the Metropolitan Green Belt where new residential development constitutes inappropriate development. One of the situations that can justify inappropriate development in the Green Belt may be where there is a need for agricultural workers accommodation and that this need is of such importance that it clearly outweighs the harm caused to the Green Belt. The NPPF indicates there may be special circumstances to justify isolated homes in the countryside for an 'essential need for a rural worker to live permanently at or near their place of work in the countryside' and this provides some support to the principle of the development.
- 8.2 Officers accept that there is a functional need for a full-time worker at this site. The business appears sustainable, and is expected to continue to operate at a profit, provided that a member of staff is available on site at all times to monitor the health of the herd. The harm to the openness of the Green Belt would be quite modest and, by its siting and design, it is not considered that the house would harm the rural character of the area. The provision of sustainable and/or renewable energy measures is considered to further weigh in favour of the development.

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- 8.3 Officers consider that, in the overall balance, the positive material considerations are of such weight that they clearly outweigh the identified harm to the Green Belt in this case and constitute the 'very special circumstances' required to justify permission being granted for a permanent residence at the site.
- 8.4 It is therefore recommended that planning permission be granted, subject to the conditions outlined above.