

**5f 3/10/1526/FP – Log cabin mobile home for agricultural worker at Edwards Green Farm, Brickendon Lane, Brickendon SG13 8NT for Mr R Peters**

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**Date of Receipt:** 23.08.10

**Type:** Full – Minor

**Parish:** BRICKENDON LIBERTY

**Ward:** HERTFORD HEATH

**RECOMMENDATION**

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

1. Agricultural dwelling – no justification (R0514)
2. Within Metropolitan Green Belt (R0212)

\_\_\_\_\_ (152610FP.MC)

**1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It is a working farm located on the edge of Brickendon in the south of the district. It is located within the Metropolitan Green Belt.
- 1.2 The proposal is for a log cabin to create a two-bedroom dwelling. It is proposed that the cabin be occupied by an agricultural worker to allow 24 hour supervision of the farm site.
- 1.3 The farm has been the subject of extensive development over the last two decades. With the existing farmhouse there are currently two dwellings at the farm, one of which has an agricultural worker's occupancy restriction. This application has been referred to the committee at a Member's request.

**2.0 Site History**

- 2.1 A series of applications have been submitted to enable the erection and/or retention of agricultural buildings, including a second house on the site to allow the applicant's daughter and her family to live on site full-time. This was approved in 1994 by members to allow the applicant's daughter to live on the site as the main site worker.

- 3/84/1470/FP – Agricultural worker's bungalow – Refused November 1984
- 3/94/0340/OP – Detached dwellinghouse – Approved September 1994

### **3/10/1526/FP**

- 3/94/1698/RP – Detached dwellinghouse – Approved January 1995
- 3/96/1243/PA – Agricultural building – Approved September 1996
- 3/97/0231/PA – Agricultural building – Approved March 1997
- E/04/0060/B – Enforcement notice to secure demolition of farm office and removal of materials from site – Authorised January 2005 – Appeal dismissed August 2005
- 3/04/1182/FP – Farm office and store – Refused July 2004
- 3/04/2142/FP – Farm shop – Withdrawn
- 3/05/2305/FP – Retention of (part) modified farm building for storage/office/staffroom purposes – Approved January 2006
- 3/08/0903/FP – Retention of barn – Approved November 2008
- 3/08/0904/CL – Use of building for agricultural purposes – Approved July 2008
- 3/08/1619/CL – Parking and maintenance of vehicles – Refused January 2009
- 3/08/1706/FP – Overnight parking for two lorries – Withdrawn
- 3/09/0540/FP – Retention of building for use as office and store – Approved August 2009

### **3.0 Consultation Responses**

3.1 Highways – No objections.

3.2 Environmental Health – No objections, subject to a condition relating to soil decontamination.

3.3 Herts & Middlesex Wildlife Trust – No objections, subject to a condition preventing degradation of the adjacent Wildlife Site.

### **4.0 Brickendon Liberty Parish Council Representations**

4.1 The Parish Council has no objections to the proposed development.

## **5.0 Other Representations**

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 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:

GBC1 Green Belt  
ENV1 Design and Environmental Quality

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

Planning Policy Guidance 2: Green Belts  
Planning Policy Statement 7: Sustainable Development in Rural Areas

## **7.0 Considerations**

- 7.1 New residential development is inappropriate within the Green Belt, in accordance with policy GBC1, national PPS7 and guidance in PPG2. Accordingly very special circumstances must be shown to exist to justify the development. These circumstances must be clearly shown to outweigh the harm to the Green Belt that would be caused by the proposed development.
- 7.2 National PPS7 sets forth a series of tests to determine whether a proposal for an agricultural worker's dwelling is justified in the countryside contrary to Rural Area restrictions. If a proposal can be shown to pass these tests then it is often accepted that the very special circumstances to justify a dwelling in the Green Belt may exist.
- 7.3 The tests set out at Annex 3 of the PPS, paragraphs 3, 4 and 8 are as follows:
3. New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:
- (i) there is a clearly established *existing* functional need (see paragraph beginning '*A functional test is necessary...*' below);
  - (ii) the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;

(iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (see paragraph beginning '*New permanent accommodation...*' below);  
(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and  
(v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

4. A *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:

(i) in case animals or agricultural processes require essential care at short notice;  
(ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.

8. New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (*see 3(iii) above*), authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.

7.4 The applicant has put forward a case with reference to the requirements of PPS7. It is argued that the present full-time worker on site, his daughter, is not presently able to fulfill the required duties due to illness. The applicant is unable to meet the requirements of the work due to age. The farm has been established for more than fifty years. In recent years considerable development has taken place, suggesting that it remains a profitable enterprise. The proposed building would be a single-storey log cabin of limited visual impact in the countryside, and would benefit from extensive screening to the south of the site from the mature trees and planting along the edge of the site.

7.5 However, the case made by the applicant is based on the personal circumstances of the applicant and daughter. These are not sufficient to fully meet the requirements of the tests set out in PPS7. It is not explained why the two existing houses on site would not be appropriate for providing

additional accommodation, contrary to guidance in PPS7 Annex A, paragraph 3(iv). In addition, it is not clearly explained why there is a need to provide an additional permanent full-time employee on site, rather than just during birthing season, for example.

- 7.6 The application therefore fails the tests required to prove that the development comprises essential accommodation for an agricultural worker. The application also fails to show that very special circumstances exist to justify the development.

## **8.0 Conclusion**

- 8.1 The site is subject to Green Belt policy controls where new residential development is inappropriate development. One of the rare exceptions may be when an agricultural need can be established for a new dwelling following the guidance in PPS7, Annex A. This may help establish the very special circumstances to justify a new dwelling.
- 8.2 It is the agricultural need of the enterprise rather than personal circumstances that may justify a relaxation of controls. However, officers consider that the need of the business can be met by the two existing houses at the farm.
- 8.3 For these reasons it is recommended that planning permission be refused for the proposed development.