



Planning Committee 8th November 2022

APPLICATION NUMBER		22/00615/FUL	
SITE ADDRESS:		Oakfields Farm, North Lane, Brailsford.	
DESCRIPTION OF DEVELOPMENT		Erection of an agricultural workers dwelling	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr L Ellis and Ms S Martin
PARISH/TOWN	Brailsford	AGENT	Mr J Malkin – JMI Planning
WARD MEMBER(S)	Cllr M Morley	DETERMINATION TARGET	20 th July 2022 (EOT agreed for 14 th October 2022)
REASON FOR DETERMINATION BY COMMITTEE	Called to planning committee by Cllr M. Morley	REASON FOR SITE VISIT (IF APPLICABLE)	n/a

MATERIAL PLANNING ISSUES

- Principle of development
- Highway safety
- Impact on residential amenity
- Impact on character of area

RECOMMENDATION

That Planning Permission be Refused

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located on the eastern side of North Lane, north of Brailsford. The site forms part of an agricultural field in the countryside, which has one large agricultural building used for both storage and livestock in the south western corner. The larger building along with the access to the site was approved in 2012 and has had permissions granted for extensions in 2015, 2016 and more recently in February 2022. There is an existing 2.8m hedge along the western boundary with North Lane and new hedge planting has taken place on part of this boundary. Mature trees screen the buildings from the south and east and there is a grassed mound running parallel with the rear of the building to the north. Footpath Brailsford 11 runs along the eastern boundary of the adjacent field to the east.



2.0 DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for a permanent agricultural worker's dwelling on the site following permission for a temporary agricultural workers dwelling in the form of a static caravan being granted permission in December 2019. This three year temporary permission expires on the 6th December 2022. The proposal would utilise the existing access to the existing agricultural buildings and that used for the temporary dwelling.
- 2.2 The proposed dwelling would be sited to the east of the access and adjacent to the main farm building to the south. It would set back 56m from the access point and south west of the existing static caravan and would measure 12.5m x 8.6m of a height of 5m to the eaves and 8.2m to the ridge. The dwelling would be a traditional style detached property with a double height gable feature on the front, porch canopy with stone cills and a chimney.

- 2.3 The dwelling would comprise of an open plan kitchen / dining and lounge with a separate lounge, office, utility room, shower room and porch / boot room on the ground floor. Three bedrooms and a bathroom are proposed on the first floor, the largest bedroom has an en-suite and dressing room.
- 2.4 The applicant has submitted a Supporting Statement and a Statement from G.J Perry on the farming operations and accounts of 2020, 2021 and 2022 from the applicant's accountants to provide justification.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles
 S4 Development in the Countryside
 PD1 Design and Place Making
 PD5 Landscape Character
 PD7 Climate Change
 HC13 Agricultural and Rural Workers Dwellings
 HC19 Accessibility and Transport

3.2. Other:

The National Planning Policy Framework (2021)
 National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

12/00506/FUL	Erection of agricultural livestock/storage building and formation of access track	PERC	14/11/2012
15/00627/FUL	Extension to livestock building	PERC	12/10/2015
16/00356/AGR	Agricultural Prior Notification - Extension and canopy to existing agricultural building for storage of fodder and hay	Prior Approval Not Required	11/07/2016
18/00349/FUL	Erection of implement store and agricultural storage building extension	PERC	23/05/2018
18/00349/DCOND	Discharge of condition(s) 2	DISFUL	11/07/2018
19/01028/FUL	Siting of static caravan for use as a temporary agricultural workers dwelling for a temporary period of 3 years	PERC	06/12/2019
20/00201/FUL	Extension to agricultural building to house and feed cattle, erection of building to store fodder and bedding and erection of building to store implements	PERC	09/04/2020
22/00082/AGR	Agricultural Prior Notification -Proposed extension to agricultural building for the storage of hay and straw	Prior Approval Not Required	21.02.2022

5.0 CONSULTATION RESPONSES

Brailsford Parish Council

- 5.1 No response received.

Highways Authority

- 5.2 They refer to their comments in respect of the temporary dwelling which stated the access visibility at 140m to the north and 80m to the south is considered reasonable. The sightline to the south could be significantly improved with the removal of vegetation that appears to be located at the extent of the applicants blue line. Whilst the road is subject to the national speed limit, actual vehicle speeds are perceived to be below this and the achievable sightlines (with vegetation removed) would be considered reasonable. The site is located in a somewhat unsustainable location in transport terms, with no footways or public transport links into Brailsford. Whilst the Planning Statement points out that the applicant currently undertakes 8 return trips to the site daily, a dwelling in this location could generate similar amounts. If the proposals are acceptable and justified for agricultural purposes, it is not considered a highways objection could be sustained. Conditions in respect of modifying the access and parking and turning are recommended.

Environmental Health

- 5.3 No objections.

6.0 REPRESENTATIONS RECEIVED

- 6.1 No representations have been received.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on residential amenity
- Character and appearance

Principle of development

- 7.1 Paragraph 79 of the National Planning Policy Framework provides guidance regarding rural dwellings. In the case of considering the specifics of this planning application, Paragraph 79 advises that:

Planning Policies and decisions should avoid 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;
- 7.2 This is reflected in Policy HC13 (Agricultural and Rural Workers Dwellings) of the Adopted Derbyshire Dales Local Plan (2017) which states:

The District Council will support proposals for the provision of dwellings to meet the needs of agricultural, forestry or other rural based workers. Planning permission will be granted where it can be demonstrated that all of the following criteria are satisfied:

- a) there is a clearly established functional need;
- b) the need relates to a full-time worker or one who is primarily employed in agriculture, forestry or other rural based enterprise which needs to be located in the area and does not relate to a part-time requirement;
- c) the unit and the agricultural / forestry or other rural based enterprise has been established for at least three years and has been profitable for at least one of them,

is currently financially sound and has a clear prospect of remaining so. Where this need is unproven or a new business is being established, a temporary dwelling (such as a mobile home) may be permitted to allow time to establish that there is a genuine functional and financial need for a permanent dwelling. A temporary dwelling will only be permitted for a maximum period of 3 years;

- d) the functional need cannot be fulfilled by another existing building on the unit or within the locality that could be converted, or another existing dwelling on the unit or within the locality which is suitable and available for occupation by the worker concerned;
- e) the size of the dwelling is commensurate with the needs of the enterprise and is sustainable in terms of the viability of the activity;
- f) the dwelling is well related to either existing dwellings or buildings associated the activity with which it is required;
- g) the dwelling is not situated within an area of unacceptable flood risk.

7.3 Guidance has also been issued within the Planning Practice Guidance paragraph: 010
Reference ID: 67-010-20190722

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

Functional Need

7.4 The Supporting Statement (GJ Perry) report provides the following information:

The Applicant farms two large parcels of adjoining land totalling approximately 52.75 hectares/ 130 acres as a beef and arable farm under holding number 09/182/0236. The buildings are located on the freehold land extending to 18.25 hectares/45 acres and immediately adjoining to the north there is a further 34.5 hectares/85 acres owned by a family member, retired from agriculture. In addition, grassland is rented in as required although it is not expected to be in 2022/23.

In the 2019 application reference was made to the possibility of farming further land immediately to the south of the freehold land but, to date, this has not materialised; the amount of land currently in-hand and being farmed is 52.75 hectares/130 acres. The agricultural buildings, quoted in 2019 as 1,237.5 sq m/13,320 sq ft, now extend to approximately 1,393.5 sq m/ 15,000 sq ft: The different elements of the farming operations have changed over the 3-year period as the holding has evolved.

On the livestock side, the suckler herd, 17 no in 2019, has been sold off thereby obviating the need for a stock bull. All calves bought in are pedigree Hereford or Aberdeen Angus obtained from a single source closed herd some 9 miles or thereabouts away to the southwest. There has been an increased concentration on the arable side with 32.39 hectares/80 acres being given over to winter and spring barley: In 2021 this yielded approximately 180 tonnes of which 30 tonnes was retained for farm use. Permanent pasture now accounts for 18.25 hectares/45 acres of the holding.

- 7.5 Accounts from the applicant's accountant for the year ended 31st March 2022, 31st March 2021 and 31st March 2020 have been submitted as evidence of viability.
- 7.6 The Local Planning Authority have appointed Kerton Countryside Consultants to assess whether an essential need for a rural worker to be permanently resident on site can be demonstrated in this case. In particular they advise the following:
- 7.7 Oakfields Farm comprises a total of 105.5 hectares (260.7 acres) of agricultural land. Of this land 18.25 hectares are owned by the Applicant. Based on past involvement, it is understood that the remaining land, or a large proportion of it, is owned by family members. The Applicant operates a mixed livestock and arable farming business. The Applicant rears beef cattle with approximately 110 head on the holding at present. The cattle vary in age from 0 months to 24 months. Whilst the business is currently being built up, it is the Applicants intention to buy in approximately 70 calves each year. At maximum capacity, there could be in the order of 210 cattle on the holding in the lead up to finished cattle being sold. At present there are a total of 70 calves up to the age of 3 months old, 30 cattle between 3 and 6 months and 28 cattle between 12 and 24 months. The numbers of cattle onsite currently total 128.
- 7.8 Since the Consultant's had previous involvement with the site in aiding the assessment for the temporary dwelling on site, the numbers of cattle onsite, has increased marginally, however the proposed suckler herd has not materialised. It is the applicant's long term intention to focus solely on buying in and rearing calves.
- 7.9 Whilst there is no information within the agricultural justification report concerning livestock housing, it is known that the applicant has the benefit of livestock accommodation onsite that is used for overwinter housing and finishing of livestock. Extension to the livestock housing was permitted most recently earlier this year. Along with the livestock operations, the applicant also has approximately 32.4 hectares down to arable including winter and spring barley.

Functional Need

- 7.10 The agricultural consultants Kerton's previously agreed that there would be a need to live onsite when they supported the provision of a temporary dwelling. However, this was partly on the basis of a suckler herd being introduced. As a suckler herd involved cows giving birth onsite, this was the focus of the appraisal as it gave rise to the greatest need to live onsite. However, in certain circumstances, and where enterprises are of a sufficient scale, the rearing of bought in cattle /calves can necessitate an onsite presence. The applicant buys in very young calves, at only a week or so of age. When cattle are housed, they may suffer bloat which can kill rapidly. It can be caused by trapped feed or by a frothy build up in the gullet and is identified by distortion and signs of discomfort. Cattle often get cast (roll over on their backs) as a result of bloat and if not righted the animals will die a prolonged death. Cows may catch diseases which if not treated, will spread to others rapidly through nose-to-nose contact. Such diseases do not always kill, but they can seriously affect the cow's health, and if medicine is required, the cow's milk cannot be collected and sold. Such problems are exacerbated when cattle are housed. Rearing calves is a specialist operation. These would need particularly careful attention in the first six weeks, to ensure that they feed (they have to be trained to drink from the milk feeders), do not succumb to diseases,

do not get bullied, do not get injured, and generally "do well". A calf that goes off its food or is diseased can be very difficult to bring back to good health and it is imperative that the stockman keeps a close eye on the calves and intervenes, isolates or supplementary feeds them at short notice if needed.

- 7.11 Based on the current numbers of livestock and the frequency of calves being purchased the need to live onsite is relatively marginal. There will be a clear need to live onsite when calves are initially brought onto the holding and for approximately 6 weeks following, however the total numbers of older cattle over the course of the year is not sufficiently high to be able to clearly conclude that there is a need to live onsite all year round. A strong case has not been put forward within the agricultural justification report to enable the Consultant to conclude otherwise. They would, however, be more supportive of a permanent dwelling once cattle numbers have increased to the levels indicated by the applicant.
- 7.12 The concern, however, is that cattle numbers on the holding have changed very little since the original temporary permission was granted increasing from 93 beef cattle and 16 heifers to 128 cattle in total on the holding currently. Given the changes to the business which have resulted in a suckler herd not being introduced, it is suggested that a further temporary permission is the most likely suitable alternative to enable the applicant to now focus on building up the cattle rearing enterprise.

Existing Dwellings.

- 7.13 In order for an existing dwelling to be suitable in meeting the functional need, it must be within sight and sound of where the main livestock operations take place. Owing to the isolated nature of the farmyard, I can see no dwellings, available or otherwise, that would be close enough to meet a need to live onsite.

Financial Sustainability

- 7.14 The submitted accounts for the past three years have been reviewed and these demonstrate that the business has been able to increase turnover associated with the beef rearing enterprises to a point where it is considered to be viable. The sale of cattle is by far the highest source of income for the farm, and the net profit is capable of providing a reasonable return on labour. The balance sheets for the business show how the applicant is gradually building their assets, however it is unclear why the land owned by the applicant is not included. The balance sheet for 2020 and 2021 is in the negatives however by 2022 the balance sheet becomes positive. That said, the main loan associated with the business has not reduced over the three years of accounts provided.
- 7.15 Whilst it is considered that the profit and loss account is capable of providing a reasonable return on labour, the balance sheet does not provide a great deal of confidence that the enterprise would remain viable for the foreseeable future. If land assets were included, it is likely that the balance sheet would look considerably better. In light of the comments made in respect of the need to live onsite, a further three years would also give the Applicant an opportunity to demonstrate a stronger business financially.

Siting and Size

- 7.16 For a permanent agricultural dwelling, the size is not considered excessive. The levels of net profit should be capable of sustaining a dwelling of this size. The dwelling is well sited being adjacent to the livestock accommodation and with good visibility over the access. There are no concerns with regards to the siting.
- 7.17 The functional need as put forward is not considered to amount to an all year round requirement and there is doubt that the enterprise would remain viable for the foreseeable

future, therefore criteria's a) and c) of Policy HC13 are not considered to be satisfied and as such the principle is not acceptable.

Impact on residential amenity

- 7.18 Local Plan Policy PD1 requires development to achieve a satisfactory relationship to adjacent development and avoid unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. The proposed dwelling would be significant distance from neighbouring farms to the north and south with intervening fields and vegetation as to not cause a residential amenity concern. The proposal therefore accords with Policy PD1.

Character and appearance

- 7.19 Policy PD1 requires all development to be of high quality that respects the character, identity and context of the townscape, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings.

- 7.20 The proposed dwelling is a traditional design and its scale is considered appropriate for an agricultural workers dwelling. The dwelling would be set 56m into the site and would be viewed in context with the farm buildings to the south and would not extend further east than this building therefore the impact on the landscape character is not considered adverse as screening would also soften the visual impact.

Highway Matters

- 7.21 The Local Highway Authority has no objections based on some improvement to the access visibility and adequate parking and turning provided within the site in accordance with Policy HC19.

Climate Change

- 7.22 Policy PD7 places a requirement on the applicant to detail how matters of climate change have been addressed. No details in this respect have been provided, however, it was not considered expedient to request details as no principle has been established.

Conclusion

- 7.23 Whilst the provision of an agricultural workers dwelling, where there is an essential need for a rural worker to permanently reside on site and the enterprise is financially sustainable can be an acceptable form of residential development in the countryside, the suckler herd has not materialised and based on current cattle numbers there is only a marginal need to live on site in this case. The most intensive period when the need to live onsite is strongest would be when calves are purchased however as they are bought in a single batch each year, this period is limited to only several weeks. When cattle are housed there can be a need to live on site however the numbers are limited and a strong case has not been put forward within the agricultural justification report. The profit and loss accounts are indicative of a viable enterprise however the business does not benefit from a strong balance sheet.

- 7.24 The applicant and agent have reviewed the consultant's report and do not agree with its findings. Whilst the consultant's report is advice in order for the Local Planning Authority to be confident in their assessment of agricultural functional need and viability, they are specialist in their field and to grant a permanent agricultural workers dwelling on a marginal case where there is an option to grant a further period for the temporary accommodation to allow the business to expand to a level where there is confidence of the need and viability

is a reasonable conclusion to reach. Refusal for a permanent dwelling is recommended on this basis.

8.0 RECOMMENDATION

That planning permission be refused for the following reason;

1. The case to demonstrate that there is a functional need for an agricultural worker to be permanently resident on site has not been established and that the existing enterprise would remain financially sound in the foreseeable future. On this basis the Local Planning Authority is not satisfied that the development would constitute an essential and sustainable form of development in the countryside and it therefore conflicts with Policy HC13 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.
2. This decision notice relates to the following documents

Location Plan Scale 1:1250

Block Plan Scale 1:500

Proposed Plans – elevations and floorplans

Supporting Statement

Statement from G.J Perry on the farming operations

Accounts of 2020, 2021 and 2022 from the applicant's accountants