

## PLANNING COMMITTEE – 15 JANUARY 2019

<b>Application No:</b>	<b>18/01671/FUL</b>	
<b>Proposal:</b>	<b>Erection of 1 no. Agricultural workers' dwelling</b>	
<b>Location:</b>	<b>Gibbet Wood, Brown Wood Lane, Thorney, Nottinghamshire</b>	
<b>Applicant:</b>	<b>P A Arden &amp; Son – Miss I Arden</b>	
<b>Registered:</b>	<b>4 September 2018</b>	<b>Target Date: 30 October 2018</b>
		<b>Extension of time agreed in principle</b>

The application is reported to Committee at the request of the local Ward Member, Cllr David Clarke.

### The Site

This application relates to circa 0.11 Hectares of land sited on the northern side of Brown Wood Lane which is associated with a poultry unit granted planning permission in 2014 and is now fully operational. The unit is accessed via a purpose-built driveway off Brown Wood Lane.

The site lies to the north east of the settlement of Thorney (approx.1.2km away) and is located on the north-eastern edge of the district. There are no immediate neighbours to the site, with the closest neighbour located approximately 175m to the NE of the site and is within the West Lindsey District.

The application site itself is a relatively open parcel of land approximately 85m to the east of the access road to the poultry unit and would utilise an existing access to the field. The site lies within Flood Zones 2 and 3 of the Environment Agency's Flood Maps.

### Relevant Planning History

Members will recall that a similar application was presented to Planning Committee in July 2018. The reference for this application is **17/01127/FUL**. This was approved by Members in accordance with Officer recommendation for the erection of 1no. agricultural workers' dwelling at the entrance to the poultry unit.

The poultry unit was approved under **13/01873/FULM**, permitted 09.05.2014. This included the erection of a free range poultry unit, 4 No. Feed Silos and formation of access.

### The Proposal

Full planning permission is sought for the erection of a rural workers dwelling in the form of a detached two-storey dwelling located approximately 115m to the SE of the poultry unit it is intended to serve.

The dwelling will have a footprint of approximately 100m<sup>2</sup> with a ridge height of 8.1m. The

dwelling would be laid out as an angled L-shape and access via a separate entrance from the poultry farm. A pedestrian access would link the dwelling to the unit's access track. It is proposed that the dwelling will be constructed with a timber-clad finish and slate effect tiles. Windows and doors are proposed to be timber framed.

The dwelling will benefit from an ample-sized garden to the north and south of the dwelling.

### Submitted Documents

The following documents accompany the application:

- Proposed Sketch Proposals OPT 2 – 362A-001 Rev.F
- Site Location Plan – 362-A-004 Rev.B
- Proposed Sketch Site Plan OPT2 – 362-A-005 Rev.D
- Paddock Layout – 352-A-006
- Design and Access Statement
- Flood Risk Assessment
- Landscape and Visual Statement.

The applicant has also submitted accompanying letters with the application which are summarised below;

- Letter: NFU Mutual, 12/06/18
  - Concerns that the approved scheme would significantly increase both the risk of Avian Flu outbreak and create problems associated with the implementation of quarantine measures
  - It is good agricultural practice for the dwelling to have its own separate entrance from the poultry sites to reduce bio-security hazard and allow the house and office to continue to function normally
- Letter: Anglia Free Range Eggs, 12/07/18
  - Bio-secure area should be separate from public access area
  - Approved dwelling would take land from the range area, reducing paddock size, which could affect the 'free range' status the unit currently has
- Letter: Charlotte Fursdon (Anglia Free Range Eggs), 27/07/18
  - In the event of an outbreak, additional bio-security measures would need to be placed upon the dwelling if it were to be sited where approved
  - If there is opportunity to provide a new build with a separate access then this should be positively encouraged for the safety of the farmworker and their family
  - The industry is always under scrutiny to ensure that free range birds are given the best opportunity to range and hence protect the free-range marketing status. Where farms make ranging 'more difficult' by restricting the immediate range area requiring the birds to 'travel' further to access the range, this inhibits ranging behaviour. DEFRA Egg Inspectors that conduct unannounced inspections at farms will challenge farms if the range is designed in such a way that limits ranging activity.
- Letter: Mr T.C.Maddison, 10/8/18
  - A shared entrance with the poultry unit would be against disease prevention recommendations and unacceptable for occupant welfare.

- There are reports on poultry welfare and disease
- Poultry units require high level of management and therefore would be very aware of his own family's welfare
- Siting the dwelling next to the entrance would cause for issues:
  1. Standing heavy vehicles during in/out sanitation would be exhausting heavy fumes in close proximity to the garden area for the dwelling;
  2. Vehicle noise would impact dwelling;
  3. Weekly manure removal is not desirable close to the dwelling;
  4. Free vehicle movement close to the site entrance must not be in close proximity to the poultry unit entrance
- Letter: Mr & Mrs Whiteley, 10/08/18
  - Support the proposal to move the dwelling back to the original proposed location as it would be screened by the woodland
  - Current approved location stands out and draws attention to the poultry unit
- Letter: Mr G Parnham, 27/07/18
  - Support the relocation as it would have a separate access to prevent spread of any disease
- Letter: Slate Hall Veterinary Services Ltd, 14<sup>th</sup> September 2018
  - Support locating the dwelling to new proposed location that does not share the main access route to the farm.
  - Given the high biosecurity required to maintain optimal welfare and productivity of poultry flocks, there should be restricted movement of essential vehicles to the poultry unit in order to reduce the risk to the flock. Shared access with domestic dwellings does increase traffic and visitor movements to a poultry unit and can therefore increase the risk of disease transmission.
  - Current notifiable disease control legislation can also enforce restrictions of people on a residential dwelling deemed to be part of the poultry unit.
- Letter: Mr J Kirkpatrick, Tesco Agricultural Manager (Poultry, Eggs and Feed), 3<sup>rd</sup> January 2019
  - Proposed manger's dwelling creates biosecurity risks via non-essential vehicles entering the single access.
  - Keen to mitigate all reasonable risks of disease and enhance bio-security for one of Tesco's largest supplying farms.

### Departure/Public Advertisement Procedure

Due to the isolated location, no properties have been individually notified by letter however a site notice has been displayed at the site.

### Relevant Planning Policies

#### **The Development Plan**

*Newark and Sherwood Core Strategy Adopted March 2011*

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport  
Core Policy 9: Sustainable Design  
Core Policy 12: Biodiversity and Green Infrastructure  
Core Policy 13: Landscape Character

*Allocations and Development Management DPD Adopted July 2013*

Policies relevant to this application:

Policy DM5: Design  
Policy DM7: Biodiversity and Green Infrastructure  
Policy DM8: Development in the Open Countryside  
Policy DM12: Presumption in Favour of Sustainable Development

### **Other Material Considerations**

*National Planning Policy Framework 2018  
Planning Practice Guidance 2014  
NSDC Landscape Character Assessment 2010*

### Consultations

**Thorney Parish Council** – *Thorney Parish Council met on September 19<sup>th</sup> 2018 to discuss this application.*

*The following points were raised:*

- *The property itself has full planning permission, being a modified version after the rejection of the first application. Therefore, any comments on this would be pointless.*
- *The meeting was not quorate as one councillor was unable to attend, although he did send some comments, & two others declared pecuniary interest. It was felt that, under these circumstances, no meaningful decision could be made.*

*However, the following observations were raised & should be considered:*

- *Councillors accepted some of the rationale for putting the property back on to the site of version 1. Some also accepted that it would be more aesthetically pleasing in that position. BUT, putting the property back on the original side of the main entrance to the poultry farm brings certain objections back into play:*
- *The additional access, close to the hump from the dyke poses a danger to traffic turning in & out, This view was corroborated by Nottinghamshire County Council Highways at the time of the original application & was addressed by the relocation of the dwelling in version 2.*
- *Concern was also expressed re the very large paddock layout & the reasoning behind it. There is also a disproportionate amount of car parking for the size of the proposed dwelling. This suggests a plan to extend the property at a later stage thus creating the original dwelling that was rejected.*

*All this being said, councillors prefer, on this occasion, to leave the matter in the hands of Planning & Highways.*

**Agricultural Consultant** – I refer to your consultation letter dated 15<sup>th</sup> October, 2018 together with enclosures and your request for a desktop agricultural appraisal of the above application. I now comment as follows:-

1. The application is for a permanent agricultural workers dwelling to be sited on a block of owned agricultural land to the North of Brown Wood Lane and to the South of Gibbett Wood. The land at the application site is part of a 222.6 hectare (550 acre) holding farmed by P.A. Arden & Son. The block of land which forms the application site is used as a free range poultry unit and is currently stocked with 32,000 laying hens.
2. Planning consent was granted by the Local Planning Authority for an agricultural workers dwelling (17/01127/FUL) on 4<sup>th</sup> July, 2018. The approved dwelling was to be sited close to Brown Wood Lane with a separate access situated before the access gate into the poultry unit. The comments in my letter of 31<sup>st</sup> May, 2018 stated that although the then proposed site, was closer than the originally proposed site – the site now proposed within this current application – I considered it was not well-related to the existing poultry building to which the essential/functional need relates.
3. The proposed site cannot be considered as well-related to the poultry unit, and in my opinion is so far away from the poultry unit as to be unable to fulfil the essential/functional needs of that poultry unit.
4. The applicants and their agents consider that siting the dwelling on the approved site would compromise the bio-security of the unit and affect the area available for the hens to range on.
5. I have advised on many applications for agricultural workers dwellings on poultry units such as this, and in all cases the dwellings approved have been sited in a position well-related to the existing poultry buildings, to enable the dwelling to fulfil the essential/functional needs of the units. These dwellings have not compromised the bio-security of the units or affected the ranging area for the birds.
6. I consider that the dwelling should be sited in a position well-related and close to the poultry unit with an access into the dwelling from the access road prior to any bio-security point for the poultry unit.
7. Any necessary adjustments to the ranging paddocks can easily be accomplished by moving the internal fencing to give the appropriate sized paddocks.
8. Under paragraph 3.3 – sub-heading Character, the agents state “One would typically expect to see a farmhouse situated in close proximity to an associated poultry farm.” – I agree with this statement and would not expect to see the dwelling situated away from the poultry unit in the far corner of the application site. To comply with the guidance it must be sited in a position well-related to the existing poultry unit. This is also beneficial in planning terms as the dwelling would then form part of a group of buildings rather than being an isolated dwelling/building in the open countryside. Paragraph 11 of Annex A to PPS7 states “Agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings, or other dwellings.”

In conclusion, I ADVISE that there is no agricultural support for the proposed agricultural workers dwelling on the proposed site as this site is not sufficiently well-related to the existing poultry unit

*and the site of the proposed dwelling would be unable to fulfil the essential/functional needs of the existing enterprise.*

**NSDC Access & Equalities Officer** – *It is recommended that the developer make separate enquiry regarding Building Regulations matters.*

**NCC Highways** – *This proposal is for the construction of an agricultural workers dwelling. The dwelling is to be relocated further to the east from that originally approved under planning application 17/01127/FUL.*

*The applicant/agent should take into account that visibility splays of 2.4m x 215m are required from the access point. Could a site plan be submitted demonstrating the required visibility and be submitted for further comment.*

**Trent Valley Internal Drainage Board** – No objection to the proposal

**Environment Agency** - *I have no further comments to add to those provided by my colleagues in respect of planning application 17/01127/FUL.*

**In addition to the above, 1 letter of support has been received during the public consultation period.**

#### Comments of the Business Manager

Before discussing the merits of the scheme, I consider it helpful for Members to provide some commentary of this scheme and its previous planning history.

A planning application for an agricultural workers' dwelling was submitted in 2017 in the location proposed by this current application. Following advice from the Council's agricultural consultant regarding the siting, Officers negotiated with the applicant to locate the dwelling closer to the poultry unit so that it was better-related to the unit it would serve.

The reasons for its repositioning were to ensure that the dwelling would be well-related to the poultry unit given that its primary function would be to serve the unit in accordance with Policy DM8 of the DPD and also to assist in ensuring that the dwelling could not be easily separated from the unit and sold off as an independent dwelling at a later date; this latter reason is because the dwelling would not be considered appropriate development within the open countryside if it did not have the functional need requirement for the agricultural unit.

At this time, the applicant was concerned with regards to biosecurity measures but there was no reference to the size of the paddocks being an issue with regards to siting the dwelling in the proposed location. With regards to the biosecurity measures, Officers felt, and I remain minded to concur, that as the entrance to the new dwelling would be before the biosecurity gate, there was no greater risk of contamination as any vehicle could drive along the section of road the access to the dwelling would come from.

Although the Officer recommendation for the previous planning application was approval, the agricultural consultant remained of the view that the dwelling could be better-related to the poultry unit, however Officers attached weight to the biosecurity measures to prevent Avian flu.

In addition to siting, Officers also sought to reduce the scale of the proposed dwelling as agricultural dwellings should be of a size commensurate with the established functional requirement; it is the requirements of the enterprise, rather than those of the owner or occupier. The applicant was amiable to some reductions which were approved by the previous application.

This current planning application reverts back to the original siting submitted in 2017, although the scale of the building remains similar to that approved in 2018. The reasons for the relocation, as stated by the applicant are to address biosecurity, operational and amenity concerns.

I will also highlight that should Members be minded to approve the application, a Section 106 agreement would be required to revoke the earlier planning permission to prevent both dwellings being constructed; the LPA would not wish to approve two dwellings to serve the poultry unit as there is no financial or business need for two agricultural workers' dwellings.

### **Principle of development**

Spatial Policy 1 and 2 of the Adopted Core Strategy sets the development hierarchy for new residential development throughout the District with the Newark Urban Area being the main focus for residential development. Spatial Policy 3 of the Core strategy states that development away from the main built up area of villages, in the open countryside will be strictly controlled and restricted to uses which require a rural setting.

Due to the location of the development outside of any settlement I consider the site to be within the open countryside and as such the proposal falls to be assessed against Policy DM8 within the adopted Allocations and Development Management DPD. This states that new rural workers dwellings will be required to demonstrate a functional and financial need in relation to the operation served and the scale of new development should be commensurate with the needs and ability of the operation they serve to fund them. Paragraph 7.42 of the above policy states that proposals will need to demonstrate a clearly established existing functional need for the dwelling and this could be related to the essential proper functioning of the enterprise. The unit and activity should be established for at least three years, and have been profitable for at least one of them, are clearly financially sound and have clear prospect of remaining so. The applicant should also demonstrate that in order for the business to function there are no other dwellings within the locale that could not fulfil this role.

Policy DM8 reflects the requirements national policy. Paragraph 79 of the NPPF states that planning policies and decisions should avoid new isolated homes in the countryside unless "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".

In the case of agricultural dwellings the NPPF is only supportive providing the enterprise is financially viable and capable of sustaining the cost of the proposed dwelling.

The need and financial viability for the dwelling was assessed under planning application 17/01227/FUL and to my knowledge there has been no change to the situation and I therefore refer to the previous assessment of the scheme, presented to Planning Committee in July 2018,

*In assessing functional and financial need, although cancelled, Annex A of Planning Policy Statement 7 sets out a useful tried and tested methodology for assessing essential need for a rural*

*workers dwelling on an enterprise and that there is no reason to discount the Annex as a potentially useful tool, an approach taken in other planning and appeal decisions.*

*I am mindful that Paragraphs 3, 8 and 9 of Annex A to PPS 7 as a tried and tested methodology as set out above Paragraph 3 (i) and (ii) of Annex A to PPS7 state “New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing there is clearly established existing functional need and the need relates to a full time worker”.*

*Paragraph 3 (iii) also states “The unit and the agricultural activity concerned have to 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’.*

*The proposed dwelling would be intended to serve a poultry unit which has been up and running since c.2015. In supporting documentation deposited with the application the agent has submitted information which includes three years’ worth of accounts which show a profit. I am mindful that Policy DM8 requires a minimum of 3 years’ worth of accounts and as such on this basis, the business is able to fit this criteria.*

*In addition to the above, paragraph 55 [now paragraph 79] of the NPPF states that ‘local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside’. In addition to this, the Agricultural Consultant in their comments dated 8<sup>th</sup> August 2017 states that ‘the Framework is only supportive of sustainable development, which in the case of agricultural dwellings is taken to mean that the farming enterprise is required to be financially viable and capable of sustaining the cost of the proposed dwelling after the deduction of all costs in the long-term’. It is considered by the agricultural consultant that there is an existing/functional need for one person to live at or near to the poultry unit as the labour requirement is in excess of one full-time person, and therefore satisfies the need element highlighted by paragraph 55 [now paragraph 79] of the NPPF.*

I am mindful that at the time of writing this report there are various residential properties owned by the wider agricultural unit which could provide suitable accommodation for an agricultural worker, however these have been considered unsuitable or unavailable by the applicant. Additionally, a search on *Rightmove* suggests that there 3 properties for sale approximately 2.3 miles from the site (when driven) that is within a similar price range to the likely build cost of the proposed dwelling. However, the LPA have previously been advised by the applicant’s agent that a shorter distance of 1.2km would be too far from the site for the needs of the unit. I have no evidence before me that would contradict the reasons given by the applicant and therefore I would accept that there is a functional need for the dwelling.

In terms of viability, one reason for relocating the dwelling is due to the size of the paddocks afforded to units. In order to be a free-range business, there are minimum roaming areas per chicken. Each shed is divided into 4 ‘rooms’ with associated paddocks. The applicant has stated that they have located the dwelling within Paddock 2 as there is space to accommodate the dwelling without compromising the required area for the unit; according to the Design and Access Statement, siting the dwelling within Paddock 1 (where is approved) would result in the area afforded to this paddock would then be below the minimum roaming area for the number of chickens housed in this area and thus the number of chickens would need to be reduced, impacting upon the business’ income and profitability.



Having read the argument above, I do accept that as the site layout currently stands, the dwelling could impact upon the viability of the poultry unit, however having visited the site, I see no obvious reason why the paddock layout could not be altered through relocating fencing to afford paddock 1 the necessary land to accommodate the approved dwelling. The applicant has been asked to provide justification why this could not be carried out but to date I have received no response to this question. I therefore attach limited weight to this viability argument.

Taking the above into account I would concur with the agricultural consultant's comments from the previous planning application in so far that there is a functional need for the dwelling, and that there has been a financial case put forward for the dwelling which results in the application being fully in accordance with the need criteria of Policy DM8 of the DPD. On this basis, I consider the principle of a rural worker's dwelling associated with the poultry unit remains to be acceptable, however issues relating to visual impact, amenity and highway safety also need to be taken in to consideration and are discussed below.

### **Visual Impact**

Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Core Policy 9 of the Core Strategy seeks to ensure that new development is of an appropriate form and scale to its context and complements the existing built and landscape environments. The NPPF also states that good design is a key aspect of sustainable development.

A Landscape Character Appraisal (LCA) has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District. The application site is located within the East Nottinghamshire Sandlands 'Wigsley Village Farmlands with Plantations' area (ES PZ 02) which is defined as being of moderate condition with very low landscape sensitivity. It is acknowledged there are moderate distance views across the landscape area due the predominantly flat land surrounding villages but there are frequent shelterbelts and mixed plantations across the landscape. The policy displays an intention to create new hedgerows and recreate field patterns whilst containing new development within historic boundaries. Furthermore the policy seeks to restore arable land to pastoral land and/or introduce field margins to link habitats and increase biodiversity, which can in part be done through the enhancement of tree covering and landscape planting. In terms of built features, the policy seeks to conserve what remains of the rural landscape by concentrating new development around existing settlements.

In addition to the above, Policy DM8 of the DPD also provides guidance on new rural workers dwellings. This policy states,

*The scale of new and replacement dwellings and extensions to those existing should be commensurate with the needs, and the ability of the operation they serve to fund them. Where a new or replacement dwelling is justified, its siting will be influenced by its functional role and the visual impact on the surrounding countryside should also be taken into account.*

*Scale*

As mentioned above, the proposed dwelling is proposed to be the same scale as that approved. For references, the assessment below is that presented to Members in July 2018,

*Having regard to the above guidance, paragraph 9 of Annex A of PPS7 also reiterates that agricultural dwellings should be of a size commensurate with the established functional requirement; it is the requirements of the enterprise, rather than those of the owner or occupier. Whilst no definitive size of dwelling is stated either locally or nationally, the LPA's agricultural consultant has advised that the external floor area of should be no more than 185m<sup>2</sup>. In the case of this proposal, the floor area is 195m<sup>2</sup>.*

*The proposal provides 3 double bedrooms, the master bedroom with en-suite along with a farm office at ground floor with a utility room and two areas for boot storage. I understand that the applicant wants to provide accommodation that would attract a manager in the future, however I do have concerns that this level of accommodation is over and above what is required for the agricultural worker needs in order to provide the functional/essential need identified and this has been raised on several occasions with the applicant.*

*Whilst I would feel more comfortable if the proposed floorspace were to be under 185m<sup>2</sup> in accordance with the agricultural consultant's advice, I am mindful that in reality, an additional 10m<sup>2</sup> (or 5%) is unlikely to have an adverse impact upon the character of the area and thus would be difficult to defend a refusal on this basis; however if the floorspace were to be any greater, it is likely that the LPA would resist this. I would therefore recommend that should Members be minded to approve the application, permitted development rights for extensions and outbuildings are removed from the dwelling to limit any further extension to the dwelling.*

#### *Access*

The LPA seek for agricultural workers' dwellings to be located as close as possible to the unit they would serve. As detailed above, there are concerns with regards to the location of the proposed dwelling and the separate access afforded to the dwelling.

In order for the dwelling to be seen as well-related to the agricultural unit it would serve, the LPA usually seek for the access to be shared. In this instance, I accept that the access is somewhat constrained by the biosecurity measures in places within the site, however this does not prevent an access coming off the entire track leading to the poultry unit. I remain of the view that the access should be shared with the unit, which is the view of the agricultural unit and I have no evidence before that would suggest this could not be achieved on the site.

I am therefore of the view that the proposal, through the use of a separate access, does not relate well to the poultry unit. The impact upon highway safety is discussed later in this report.

#### *Location*

The previously approved scheme was as a result of almost a year of negotiations to reach an appropriate scheme. These amendments included the relocation of the scheme to the western side of the access track to the poultry unit, some 95-100m to the west of the now proposed location (as mentioned earlier in this report, the 2017 application originally proposed a dwelling in the location now proposed). This was to ensure that the dwelling would be well-related to the poultry unit in order to fulfil its functional role and ensure that it was used for its proposed purpose and is not easy to separate from the agricultural unit at a later date.

I appreciate the reasons behind the proposed location, being screened to the west by dense woodland, however the location has a very limited relationship with the poultry unit which is not supported by either Policy DM8 or the NPPF. Policy DM8 of the DPD states that the *siting will be influenced by its functional role and the visual impact on the surrounding countryside should also be taken into consideration*. I take the view that the proposed location would be less prominent within the surroundings as it would be screened from the east by dense woodland and vegetation. I am also mindful of the close proximity of the proposed dwelling to the electricity substation. However, given the isolated nature of the site, any new building would be to an extent prominent within the openness of the countryside and thus I am of the view that it would be more appropriate to have a dwelling that appears visually linked to the agricultural unit in this instance rather than one which is marginally less prominent.

The reasons given for the relocation now proposed include the availability of land within Paddock 2 that could accommodate the dwelling, although no justification as to why the paddocks could not be rearranged has been provided by the applicant. Other reasons include biosecurity which I remain unconvinced require the dwelling to be located further from the poultry unit and with a separate access. With this in mind, I refer back to the report presented to Members in 2018,

*The revised location in my view is much better-related to the poultry unit and does allow for additional surveillance of comings and goings to the unit, which is one of the reasons the applicant states as a need for a rural workers dwelling. However, I note the agricultural consultant's comments regarding the location and concur that the dwelling could be better-related to the unit if sited closer to where the essential/functional need exists; it would still be several minutes' walk to the unit from the dwelling, being 90m from the unit. To this end, the agricultural consultant has suggested a more appropriate location to be to the north of the current site, closer to the unit so that it is better-related. I am minded to agree that the dwelling would be better located closer to the unit to bring built form closer together and thus limiting the encroachment upon the open countryside.*

*However, before seeking to amend the location further, it may be helpful for Members to understand the bio-security issues the poultry unit can face with regards to Avian (bird) Flu. Members may recall that a few years ago, many poultry farmers were faced with outbreaks of flu amongst their birds which results in them being kept indoors for a period of time. Since then, guidance has been issued to farmers to reduce the likelihood of another outbreak, which includes measures to prevent visitors to the site from being any contaminant into the site. In the case of this poultry unit, bio-security gates are installed close to the entrance to the unit from Brown Wood Lane which are monitored. Members will note that the entrance to the proposed dwelling is just before these gates so as to prevent visitors to the dwelling bringing potential contaminants on to the unit.*

*The applicant has also provided information from various professional bodies explaining the position with Avian Flu and the requirements for bio-security measures and I have no information before me that would counter-act their arguments for the separation requirement to prevent contaminates spreading.*

*With this in mind, I appreciate that a dwelling any closer to the unit could present bio-security issues for the unit and therefore a relocation in my view would be difficult to insist upon given the guidance following the Avian Flu outbreak without any sound evidence to the contrary that a dwelling closer to the poultry unit would not pose a threat to the chickens.*

The agricultural consultant remains of the view that the dwelling should be located closer to the poultry unit than is currently approved, however as detailed above, some weight is given to allowing some separation between the unit and the dwelling. The applicant has provided additional commentary on the reasons behind a separate access however there is no clear reason to contradict the fact that any vehicle could drive along the section of access track that would serve the approved dwelling without needing to pass through the biosecurity gates; this would remain the case whether or not the dwelling is constructed and thus I do not consider relocating the dwelling to be of any greater benefit to the site. I also note that a reason for relocation is to prevent the dwelling being affected should a contamination issue arise; given that the proposed site would be surrounded on two sides by the paddock, with a pedestrian footpath running through the site, I would raise the question as to whether the relocation would in fact reduce disruption for the dwelling. In any event, the primary function of the dwelling is to provide accommodation for the unit manager and therefore any contamination outbreak would invariably directly affect the household regardless of the dwelling's location within the wider site.

On the basis of the above, I am of the view that the proposed location would not accord with Policy DM8 of the DPD nor the NPPF.

### **Impact on Residential Amenity**

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity. Given the distance from the nearest dwellings I am satisfied that the proposal would not have a significant detrimental impact upon neighbour amenity.

The applicant has however raised the issue of the impact upon amenity of the occupiers of the proposed dwelling. It is considered by the applicant, and those in support of the application in the letters submitted with the application, that relocating the dwelling would reduce the impact of farm activities upon the occupiers. Whilst this may be the case, Members must be mindful that the proposed dwelling is for the purpose of accommodation for farm workers and thus are likely to be involved in the associated farm noise. It is also worth pointing out that even in the approved location, occupiers would be some 95-100m from the units and therefore provides some buffer from farm noise. I therefore consider that limited weight could be attached to this argument.

It is therefore considered that the proposal accords with Policy DM5 of the DPD.

### **Highway Safety**

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and Policy DM4 seeks to ensure no detrimental impact upon highway safety.

I note the comments of the Highway Authority requesting visibility splays of 2.4mx215m to be shown on the proposed site plan. An amended plan showing visibility splays of 2.0x200m has been received by the LPA however at the time of writing, no formal comments from NCC Highways have been received. It is understood that comments will be received prior to the Committee meeting and will therefore be presented to Members at this time.

The proposed visibility splays are shorter than those requested by the Highway Authority, and indeed shorter than those approved as part of the poultry unit in 2014. I am however mindful that the proposed access is unlikely to serve a route for non-domestic vehicles and as such it may be considered that subject to conditions this slightly shorter visibility splay is acceptable. I would however suggest that Members defer to the professional view of the Highway Authority before reaching a conclusion on this matter.

### **Flood Risk**

Policy DM5 of the DPD states that the Council will aim to steer new development away from areas at highest risk of flooding. In addition Core Policy 9 requires development proposals to include measures to proactively manage surface water wherever possible.

Core Policy 10 'Climate Change' requires that development be located to avoid both present and future flood risk and details that in considering site allocation and determining proposals the District Council will, led by the SFRA, adopt a sequential approach to future development and work alongside partners to secure strategic flood mitigation measures.

Core Policies 9 and 10 of the Draft Amended Core Strategy reflect the aims of these existing Core policies.

The NPPF states within paragraph 155 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development necessary, making it safe without increasing flood risk elsewhere.

The Application Site sits within Flood Zone 3 and policy DM5 of Newark and Sherwood's Local Development Framework states that the Council aim to steer new development away from areas at highest risk of flooding. The Environment Agency Plan indicates that the wider site owned by the applicant is entirely within Flood Zone 3, with much of the surrounding are within flood zones 2 and 3.

If the Sequential Test is considered locally, the whole site owned by the applicant is within flood zone 3, with the wider area within Flood Zones 2 and 3. I consider that there is appropriate justification in this case to apply the Sequential Test locally in the context of the need for an agricultural workers dwelling.

A Detailed Flood Risk Assessment (FRA) has been deposited with the application which states that the site is adequately protected by fluvial flood defences that are maintained by the Environment Agency and Internal Drainage Board (Upper Witham and Trent Valley). The FRA also states that the dwelling would have the following resilient measures to protect it against flooding:

- The ground floor living accommodation for the two storey dwelling is to be raised 0.5m above the existing ground level and floor level to be set at 5.80mODN
- The ground floor to be constructed with a solid concrete floor with no voids beneath and no low-level wall vents.
- Fix plasterboard to the ground floor area horizontally, for ease of replacement
- Avoid the use of absorbent cavity insulation to the ground floor level.
- Fit anti flood valves to all external drainage pipes to prevent flood waters entering the dwelling.

- Arrange for all service circuits to be routed at first floor level where practical socket outlets, boilers etc. to be a minimum of 0.5m above the raised upper ground floor level.
- All external doorways to be fitted with “Stormguard” flood doors or other approved.

In addition to the above, the FRA recommends the applicant signs up to the Environment Agency Floodline Warning Direct system.

The Environment Agency have been consulted on the proposal and have no additional comments to those made as part of the previous planning application. For the avoidance of doubt their previous comments are detailed below,

*The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment with this application are implemented and secured by way of a planning condition on any planning permission.*

**Condition**

*The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment for Gibbet Wood Brown Wood Lane Thorney Nottinghamshire with the following mitigation measures:*

1. *The dwelling shall be a minimum of 2 storeys*
2. *Finished Floor Levels shall be set no lower than 5.80mAOD*
3. *Flood resilient and resistant construction techniques should be used. Please refer to the following document for information on flood resilience and resistance techniques to be included: ‘Improving Flood Performance of New Buildings - Flood Resilient Construction’ (DCLG 2007).*

*The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.*

**Reason**

*To reduce the risk of flooding to the proposed development and future occupants.*

*The NPPF places responsibilities on local authorities to consult their Emergency Planners and the Emergency Services with regard to specific emergency planning issues relating to new development.*

*It is not our role to comment on or approve the adequacy of these plans and we would expect local planning authorities, through their Emergency Planners, to formally consider the implication of this in making their decision.*

*Please note that the Local Planning Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.*

Conditions were included as part of the permission for the previous application and it is recommended to Members that these are re-imposed should they be minded to approve the application.

### **Conclusion and Planning Balance**

Taking the above into account it is considered that an essential/functional need has been sufficiently demonstrated for an agricultural workers' dwelling on the site, given the absence of any suitably located existing dwellings being available. The scale, impact upon residential amenity, highway safety and flood risk are also considered to be acceptable however the proposed location of and access to the dwelling are not considered appropriate for the nature and use of the development proposed. The reasons for this is that the proposed location of the dwelling, and its own separate access, would not be well-related to the agricultural unit it is intended to serve and there is no clear justification as to why the dwelling could not be located closer to the unit. It is therefore considered that the proposal is contrary to Policy DM8 of the DPD and the NPPF. It is therefore recommended to Members that the application is refused.

### **Recommendation**

**That full planning permission is refused for the following reason:**

01

In the opinion of the District Council, the location of the dwelling is such that it would not be well-related to the poultry unit that it is intended to serve, being some 115m from the poultry unit and served by its own access that is separate from the access to the agricultural building. The proposal therefore does not meet its required functional role to the operation being served and as such is contrary to Policy DM8 of the Allocations and Development Management DPD (2013) and Paragraph 79 of the NPPF, presenting a harmful impact upon the character of the open countryside in which the site is located. There is no justification which would outweigh this harm.

### **Notes to Applicant**

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

## BACKGROUND PAPERS

Application case file.

For further information, please contact Nicolla Ellis on Ext 5833.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager Growth & Regeneration**



Committee Plan - 18/01671/FUL



