

PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	17/01859/FUL	
Proposal:	Retention of two static caravans for use as residential accommodation for a permanent agricultural worker in connection with Glebe Farm (retrospective)	
Location:	Glebe Farm, Fosse Road, Brough, Newark On Trent	
Applicant:	Mr Joseph Robinson Hargreaves	
Registered:	12 February 2018	Target Date: 9 April 2018

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Collingham Parish Council has objected to the application which differs to the professional officer recommendation.

The Site

Glebe Farm is situated between the main road running through the hamlet of Brough and the A46 dual carriageway. The farm is accessed via an unmade, single-width track that leads from the main road (Fosse Road) which is centred on three large agricultural storage buildings and farm yard for pigs and cattle. The farm includes the three open fields immediately to the north-east, south-east and south-west of the caravans.

The two existing static caravans, the subject of this application, are located to the south-western side of one of the agricultural buildings, at the end of the access track and towards the boundary with the A46. There are two small lean-to structures that allow covered access between the two caravans and to the agricultural building. The caravans are enclosed predominantly with post and rail fencing with some close boarded timber fencing at the rear of the units.

The application site sits within the Scheduled Monument site of Crococalana Roman Town. It is located within the open countryside and is identified within the Landscape Character Assessment SPD within the East Nottinghamshire Sandlands Character Area, Policy Zone 4, known as Winthorpe Village Farmlands.

The unmade access track that leads from Fosse Road also accommodates South Collingham Footpath 12 Right of Way, which runs directly adjacent to the two static caravans.

Relevant Planning History

The application has been submitted as a result of an enforcement investigation.

The Proposal

Retrospective planning permission is sought for the retention of the two static caravans which are used to provide residential accommodation for a permanent agricultural worker in connection with Glebe Farm. The supporting information submitted with the application states that because of the large number of commercial livestock (pigs being finished (2,100 in number in 12 months),

up to 50 cattle indoors during winter and summer in adjacent fields and up to 300 sheep kept on pastures through-out the spring), from a husbandry and welfare point of view the farm requires that someone needs to be on site at all times. The reason there is a requirement for two caravans is that the occupier has four children with his former partner and so the extra room is required for when his children come to stay over with him.

Previous to the dualling of the A46, the applicant has explained that Glebe Farm was a stock farm and had a farmhouse but this had to be demolished to allow the construction of the new A46 but when finances allow, the applicant intends to apply to replace the statics with a dwelling. In relation to finding local accommodation, the applicant states there are no available houses within Brough and accommodation further away from the farm would not allow for the requirement to be on-site on a full time basis.

The plans considered as part of this application comprise:-

- Revised site location plan received 17.01.2018;
- Block Plan showing Statics Location received 15.01.2108

Departure/Public Advertisement Procedure

Occupiers of 14 properties have been individually notified by letter and a site notice has also been displayed near to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 3 – Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 -Sustainable Design
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design
DM8 – Development in the Open Countryside
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Collingham Parish Council – Comments received 22.02.2018 – “The Parish Council resolved unanimously to Object to this proposal on the following material grounds:-

- Health;
- Design and Visual Impact.

These comments are supported by the following:

The health of any agricultural work and their family should be considered and “seasonal” condition applied so that the accommodation can only be inhabited during the warmer months of the year. Should NSDC planning be minded to grant permission, a condition should be imposed that occupancy of such dwellings during the months of November to February should not be permitted due to the cold damp conditions which will be encountered and the subsequent health issues which are then likely to occur as a result. This condition is requested by the Parish Council as a result of observations from parishioners, that the caravans have been occupied this winter.

The fencing around the static caravans would appear to be making these a permanent features of the farm rather than a temporary (seasonal) solution. The caravans have a visual impact on the surrounding area and are clearly visible from neighbouring properties, including the chapel. The design is not in keeping with the surrounding properties which are generally brick and tile.

Consideration of permanent dwelling (s) should be considered and would be more in keeping with the following planning policies:

The National Planning Policy Framework states:

Core Planning Principles

55 To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a nearby village. 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 or near their place of work in the countryside;

The Newark and Sherwood District Core Planning Policy states:

Spatial Policy 3 Rural Areas

The District Council will support and promote local services and facilities in the rural communities of Newark and Sherwood. Local housing need will be addressed by focusing housing in sustainable, accessible villages. The rural economy will be supported by encouraging tourism, rural diversification and by supporting appropriate agricultural and forestry development. The countryside will be protected and schemes to increase biodiversity, enhance the landscape and, in the right locations, woodland cover will be encouraged.

Beyond Principal Villages, proposals for new development will be considered against the following criteria: Location – new development should be within the main built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages. Scale – new development should be appropriate to the proposed location and small scale in nature. Need – Employment and tourism which requires a rural/village location. New or replacement facilities to support the local community. Development which supports local agriculture and farm diversification. New housing where it helps to meet identified proven local need.”

NSDC, Agricultural Consultant:

- “1. The application relates to the retention of two static caravans sited at Glebe Farm, Fosse Road, Brough, the application site.
2. The applicant Mr. J.R. Hargreaves, farms both Glebe Farm, Brough, and Thorpe Field Farm, Danethorpe. No area of land has been provided in the supporting information nor cropping figures for either the site or Danethorpe.
3. The supporting information states that Glebe Farm is stocked with batches of 650 pigs fattened on the farm with approximately 3 ½ batches finished each year. In addition, the land is grazed with store lambs which are grazed on the grassland in February, March and April and as at 18th March, 2018 there were 830 store lambs on the land with 1400 more proposed to go to Glebe Farm in the following six weeks for finishing.
In addition to the pigs and sheep, 14 store cattle were housed in the buildings during January, February and March. It was also proposed to keep 27 in-calf dairy heifers on the grassland during the summer until they calve in August/September after which they will move back to Danethorpe and enter the dairy herd. Approximately 30 Aberdeen Angus heifers/store cattle will also be grazed at Glebe Farm during the summer after which they will either move back to Danethorpe or be sold.
4. From the information supplied, I calculate using standard manday figures from recognised sources, that the livestock enterprises carried out at Glebe Farm have a standard labour requirement for 0.85 of a full-time person. I am unable to undertake a full labour calculation for the unit as no land areas or cropping areas have been provided.
5. The applicant states in his email to you dated 26th February, 2018 that prior to the A46 being duelled there was a farm house at Glebe Farm, which was demolished for the new road, and it is the applicant’s intention to apply for a replacement dwelling in the future when finances permit.
6. Applications for permanent agricultural workers’ dwellings are currently assessed under the National Planning Policy Framework (the Framework) – Revised in July 2018 which states in paragraph 79 “Planning policies and decisions should avoid the 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 the farm business, to live permanently at or near their place of work in the countryside;” – the Framework is also only supportive of sustainable development, which in the case of agricultural and rural workers’ dwellings is taken to mean that the rural business must be financially viable and capable of sustaining the cost of the proposed new dwelling in the long-term. There is no guidance within the Revised Framework for temporary agricultural dwellings and therefore, most local planning authorities, and Planning Inspectors, still have regard to the guidance given in Annex A to PPS7 to enable any application for a new farm dwelling to be properly assessed, due to the lack of guidance within the Framework. I therefore, consider this application should comply with both the Revised Framework, and the guidance given in Annex A to PPS7.

7. Paragraph 12(i) states “Clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);” – as the enterprise is up and running, and has been for some considerable time, with existing buildings on the holding, I consider this criteria has been satisfied.

Paragraph 12(ii) states “Functional need (see paragraph 4 of this Annex);” – I consider there is an essential/functional need for a person to live at or close to the existing buildings to provide the required levels of supervision for the livestock housed within the buildings and grazed on the adjacent grassland, albeit the livestock enterprises do not have an existing labour requirement for a full-time person. Therefore, this criteria has been satisfied.

Paragraph 12(iii) states “Clear evidence that the proposed enterprise has been planned on a sound financial basis;” – as the Glebe Farm unit is part of a larger enterprise and partial accounts have been submitted for the overall unit I consider that the overall enterprise has been profitable for all of the last three years, albeit those profits have declined significantly during the period shown. I therefore on balance consider that the proposal is capable of satisfying the criteria in paragraph 12(iii) for a temporary agricultural workers’ dwelling.

Paragraph 12(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;” – subject to there being no other existing accommodation on the farm, or in the area, which is both suitable and available, I consider this criteria would be satisfied.

Paragraph 12(v) states “Other planning requirements, e.g. on siting and access, are satisfied.” – I consider this is a planning criteria and will be assessed by yourself as the Case Officer for the application, as it will not affect the agricultural needs of the application.

In conclusion, I ADVISE that there is agricultural support for the proposed retention of the static caravans to enable the existing worker to live on site. Any consent granted should be limited to a maximum period of three years, after which the applicant should be in a position to apply for the replacement of the former dwelling.”

NCC Highways Authority – No Objection. “This proposal will have negligible impact on the roads that are the responsibility of Nottinghamshire County Council. Therefore, no objections are raised.

It is assumed that consultation will have taken place with the A46 Trunk Road Highway Authority, Highways England.”

Highways England – “Based upon the information you have provided in your email below I can confirm that Highways England do not need to be formally consulted on the planning application.”

Historic England – “On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Crococalana Roman town is a Scheduled Monument designated under S1 of the 1979 Ancient Monuments and Archaeological Areas Act (as amended), <https://historicengland.org.uk/listing/the-list/list-entry/1003479>. Please advise the applicant works involving ground disturbance or structural additions to the monument require application for scheduled monument consent as well as any planning consent which may be necessary.”

NSDC, Archaeological Consultant – “The application site sits within the Scheduled Monument site of Crococalana Roman Town. The scheduled status means that no development should take place here without scheduled monument consent from Historic England.

The impacts of development on this important site are twofold, visual/setting and direct impacts on the below ground archaeology. The actual presence of the caravans are unlikely to have a significant negative impact on the below ground archaeology, the main impacts coming from any buried services, such as electricity or waste. The application states that the caravans are hooked up to an already existing septic tank but it does not state if this pipe is above or below ground or how far away the septic tank is. If this service is buried it could have destroyed part of the Roman Town.

The setting of the caravans are immediately adjacent to some other farm buildings and although not desirable will not have a permanent detrimental effect on its surroundings.

On balance we do not recommend any archaeological input into this application.”

NCC, Rights of Way – “The retention of the caravans in their existing location should not have any impact on South Collingham Footpath 12, we therefore have no objections to the proposal.”

Ramblers Association – “We note South Collingham FP12 crosses the site denoted in the application. As long as the integrity of this right of way is maintained we have no objection.”

National Grid – “no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line – Overhead Electricity Line.”

NSDC, Environmental Health – “the provision of these 2 caravans for use by agricultural workers on the site would be exempt from the need to obtain a site licence. Were the application to be approved you may wish to condition this proposed use.”

A representation has been received from 1 local resident/interested party which states that the two caravans could be sited at the farmer’s farm for the agricultural worker.

Comments of the Business Manager

Preliminary Matters

The description of the proposed development has been described by the applicant as “Retention of two static caravans for use as residential accommodation for a permanent agricultural worker in connection with Glebe Farm (retrospective)”

For the avoidance of doubt ‘permanent agricultural worker’ has been taken to mean an all year round worker (as opposed to a seasonal worker) rather than the applicant seeking consent for a caravan on the site on a permanent basis.

Principle of Development

Policy DM8 (Development in the Open Countryside) states that development away from the main built up areas of villages, in the open countryside, will be strictly controlled and limited to certain types of development. This includes proposals for new dwellings where there will be a requirement to demonstrate a functional and financial need in relation to the operation being

served. The scale of the new dwellings should be commensurate with the needs and the ability of the operation they serve to fund them. Where a new 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.

This is further reflected in paragraph 79 of the NPPF which states that planning decisions should avoid the development of new isolated homes in the countryside unless, amongst other criteria, 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.

Although guidance contained in Annex A of Planning Policy Statement 7 has not been repeated with the NPPF, this guidance has been relied on by Inspectors in the determination of appeals and furthermore is essentially contained within the Policy justification for DM8. It is considered that the main provisions are still relevant and offer a robust and credible means of an objective assessment of the need for an Agricultural Workers Dwelling and is a useful tool in assessing whether in this instance a demonstration of essential need has been demonstrated to justify the development.

The DM8 Policy justification states that:

"A functional need is demonstrated by showing a dwelling is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. This may arise from the need to be on site day and night in case animals or agricultural processes require essential care at short notice or to deal quickly with emergencies that could otherwise cause serious loss of crops or products."

It goes on to say that the functional need would need to evidence that it

"...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 worker concerned."

It also sets out that proposals need to demonstrate:

"clear evidence that the proposed enterprise has been planned on a sound financial basis;"

Members will note that the Council has commissioned advice from an independent agricultural consultant in order to ascertain if there might be an essential functional need for a worker to be present on site at all times. The advice received is set out very clearly in full within the consultation section above. I do not intend to repeat this but I fully concur with the advice.

However, in further considering the functional or essential need to retain the caravans on the site for the reasons put forward by the applicant, a search of *Rightmove* for properties within 3 miles of Brough which could provide alternative and appropriate residential accommodation for the agricultural worker has been undertaken. This search revealed that there were 13 properties for sale, (with 3 beds and above) with asking prices ranging from £130,000 to £200,000, and the majority situated in Newark, 2 in Collingham, 1 in Coddington, 1 in South Muskham and none in Brough. Therefore, it appears that there is other potentially suitable accommodation present within a reasonable distance of the site that could provide the accommodation requirements. Whilst it is acknowledged that this search was a snapshot in time and that the housing market is subject to change, it serves as an indication that there are no properties available within a realistic driving distance of the application site where the agricultural worker could conceivably live. , However, as recognised by the Council's Agricultural Consultant, there is a need for at least one person to live at or close to the existing buildings to provide the required levels of supervision and to be readily available at most times for the livestock housed within the buildings and grazed on the adjacent grassland.

Accordingly the Agricultural Consultant considers that although there is an absence of information regarding area of land and cropping figures (which have been requested from the applicant and if received will be reported verbally to Members), the proposed caravans are considered to meet the essential functional and financial needs in principle, but should only be approved on a temporary basis for 3 years, by which time the applicant may be in a position to seek permission for a permanent dwelling.

Impact on the Character of the Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Policy DM5 of the DPD requires development to reflect 'the scale, form, mass, layout, design, materials and detailing' of the surrounding built form.

The application site is located within the open countryside and is identified within the Landscape Character Assessment SPD within the East Nottinghamshire Sandlands Character Area, Policy Zone 4, known as Winthorpe Village Farmlands, which is described as a flat and gently undulating arable landscape with woodland blocks. The landscape condition and sensitivity are defined as moderate and where the objective is to Conserve (what remains of the rural landscape by concentrating new development around existing settlements) and Create (new development which reflects local built vernacular).

It is acknowledged, as reflected in the comments by the Parish Council, that these structures have the appearance and form of modern caravans and as such do not sit comfortably within their countryside setting. However, the scale of the caravans are minimal and they nestle directly adjacent to the existing much larger agricultural buildings. Whilst located towards the end of a private vehicular access and so not readily visible from the main road, it is acknowledged that the site does sit adjacent to the public right of way and so would be clearly visible to those using the right of way.

The moderately incongruous visual impact is considered to be outweighed by the need already identified and is considered to be acceptable on a temporary basis only for a 3 year period.

Impact on Neighbouring Amenity

The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Given the distance between the caravans and the nearest dwelling (approx. 160m to the south-east of the site), it is considered that the proposal would not result in any harm to the amenities of these neighbours. The caravans are situated in relatively close proximity to the dualled A46 (approx. 100m as the crow flies), however, there is a layby on the side of the A46 in this position which is separated from the dual carriage way by a landscape bund. In addition, the agricultural buildings provide a buffer between and there is an approximately 3m high close boarded timber fence along the boundary of the site with the trunk road which provides a level of mitigation to the occupiers of the caravans from the noise and air quality impacts that could otherwise have been detrimental to their living environment.

The concerns raised by the Parish Council in relation to impact on health of living in a caravan all the year round are noted, however, it must be acknowledged that such a situation occurs in caravans that are occupied all year round all over the country, without detriment to the health of the occupier. Therefore such concerns can only be afforded minimum weight in the consideration of this application.

Overall, taking into account both the amenity impacts of both existing occupiers of nearby dwellings and the occupiers of the caravans themselves, it is considered the proposal would not conflict with the amenity criteria under Policy DM5.

Impact on Highway Safety

SP7 provides, amongst other things, that development should provide for safe, convenient access, be appropriate for the highway network in terms of the volume and nature of traffic generated, ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected; provide appropriate and effective parking provision and ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 reflects this.

The Highway Authority has considered the highway safety implications of this proposal and raise no objection to it and as such it is considered that it complies with the relevant policies of the Development Plan. Notwithstanding their comments in relation to consultation with Highways England given the proximity of the site to this major trunk road, given that the proposal was not going to result in any significant increase in traffic joining the A46, Highways England has stated that they did not need to be consulted.

Other Matters

In terms of the potential impact on the Scheduled Ancient Monument, neither the Council's Archaeological Consultant nor Historic England have raised any objections or requested any conditions to mitigate impact. It is therefore concluded that no harm is caused, although a note to applicant will be attached regarding the possible need for Ancient Monument Consent from Historic England.

In accordance with the comments received from the Council's Environmental Health officer regarding the need to obtain a license, this report offers to Members a condition restricting the occupation of the caravans to an agricultural workers and their dependent only.

Whilst South Collingham Footpath 12 Right of Way runs in close proximity to the caravans, it is not affected by the application proposal in any way.

Planning Balance and Conclusion

Given its open countryside location, the continued siting of the static caravans to provide permanent residential accommodation to an agricultural worker and his dependents, has to be assessed against the functional and financial tests as embedded within Policy DM8. The Council's Agricultural Consultant advises that both these tests have been adequately passed to enable support of the proposal on a temporary basis for 3 years only. On the basis of a restricted time period, the adverse impact identified in relation to the visual and rural character of the countryside is weighed in the balance and found to be acceptable on a 3 year temporary basis. No harm to amenities, highway safety or archaeological interest has been identified. On the basis that the occupation of the caravans is conditioned to an agricultural worker only albeit temporary, a positive recommendation is offered to Members.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below

Conditions

01

The use of the caravans as a dwelling hereby permitted shall be discontinued and the land reinstated to its former condition, including the removal of all ancillary works and structures at or before the expiration of a period of three years from the date of this decision.

Reason: In the interests of residential and visual amenity.

02

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

Reason: The caravans are located in the open countryside where new residential development is normally restricted to the essential need for the uses described.

03

The development hereby permitted shall not be carried out except in accordance with the following approved plans, reference

- Revised site location plan received 17.01.2018;
- Block Plan showing Statics Location received 15.01.2108

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated.

03

Crococalana Roman town is a Scheduled Monument designated under S1 of the 1979 Ancient Monuments and Archaeological Areas Act (as amended), <https://historicengland.org.uk/listing/the-list/list-entry/1003479>. Please advise the applicant works involving ground disturbance or structural additions to the monument require application for scheduled monument consent as well as any planning consent which may be necessary.

Background Papers

Application case file.

For further information, please contact Julia Lockwood on ext 5902.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes

Business Manager – Planning Development