

Item No. 8

APPLICATION NUMBER	CB/14/03675/FULL
LOCATION	Poppy Hill Farm, Cambridge Road, Langford
PROPOSAL	Siting of temporary mobile home (revised application CB/13/03591/FULL)
PARISH	Langford
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Clarke, Saunders & Saunders
CASE OFFICER	Lauren Westley
DATE REGISTERED	24 September 2014
EXPIRY DATE	19 November 2014
APPLICANT	Simpson & Sons
AGENT	Robert J Larman Architectural Services
REASON FOR COMMITTEE TO DETERMINE	Called to Committee by Councillors Gill Clarke and Brian Saunders on the basis that the application is in line with policy 54 of the Draft Development Strategy and is required to ensure a profitable and viable enterprise
RECOMMENDED DECISION	Full Application - Refusal

REASON FOR RECOMMENDATION

The site is located outside any settlement envelope and as such lies within the open countryside, wherein there is a general presumption against residential development. Inadequate justification has been put forward as to the essential need for such accommodation to support a rural worker and in any event any functional need for a dwelling on this site could be fulfilled by the existing dwelling on the holding or by an existing dwelling in the adjacent settlement of Langford. As such, the siting of a mobile home for residential accommodation is inappropriate and will have a detrimental impact on the landscape character of the area. The proposal is contrary to the National Planning Policy Framework (para 55) and Policies DM4, CS16 and DM14 of the Central Bedfordshire Core Strategy and policy 54 of the Draft Development Strategy (2014).

SITE LOCATION

The site is located in open countryside on agricultural land farmed by the applicant to the south of Langford. The land is accessed via a concrete access way that leads to other parcels of agricultural land and units. Planning permission has previously been granted for agricultural buildings to store machinery, grain, hay and cattle. These have been constructed. The site is known as Poppy Hill Farm and is adjacent to the Langford Settlement Envelope.

THE APPLICATION

The application seeks full planning permission for the erection of a mobile home for residential purposes, for a temporary three year period. The mobile home will be used by the applicant and his family and allow them to reside on the site and as

such would be an agricultural workers dwelling. There is currently no residential use on the site.

The mobile home would be single storey with a total height of 4m, measuring 20m long and 6.7m deep. The building would be in the style of a log cabin and has been sited to the front of the existing buildings, addressing the access track. The home would have three bedrooms, kitchen/diner, lounge and a farm office.

Parking and access are already available and no changes to the existing arrangements are proposed in relation to this.

RELEVANT POLICIES

National Policies:

National Planning Policy Framework (2012)

Section 3 - Supporting a prosperous rural economy (paragraph 28)

Section 6 - Delivering a wide choice of high quality homes (paragraph 55)

Section 7 - Requiring good design (paragraphs 59-61)

National Planning Practice Guidance (2014)

Rural Housing

Annex A of PPS 7

The NPPF (paragraph 55) states that Local Planning Authorities should avoid isolated new 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”. However no further guidance on what this might be is provided. Essential need can only be judged on an objective basis, as such it is the Council's approach that the methodology explained in Annex A to PPS7, whilst no longer forms part of ministerial policy, is nevertheless the appropriate way in which this issue should be assessed. It is well-established and well understood guidance for the assessment of agricultural workers dwellings.

Local Policies and Guidance:

Core Strategy and Development Management Policies - North (2009)

CS1 Development Strategy

CS14 High Quality Development

CS16 Landscape and Woodland

DM3 High Quality Development

DM4 Development within and Beyond Settlement Envelopes

Draft Development Strategy (Revised Pre-Submission Version June 2014)

Having regard to the National Planning Policy Framework, limited weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State on 24th October 2014. The relevant policies are set out below;

Policy 54 Rural Workers' Dwellings

Supplementary Planning Guidance:

Central Bedfordshire Design Guide (2014)

- 1 Placemaking Principles
- 5 Residential Development

Mid Bedfordshire Landscape Character Assessment (2007)

PLANNING HISTORY

Case Reference	CB/14/00146/FULL
Location	Poppy Hill Farm, Cambridge Road, Langford
Proposal	Erection of two farm buildings as storage/feed building and cattle shed/calving unit.
Decision	Full Application - Granted
Decision Date	18/03/2014

Case Reference	CB/13/03591/FULL
Location	Poppy Hill Farm, Cambridge Road, Langford
Proposal	Siting of Mobile Home on existing farm
Decision	Application Withdrawn
Decision Date	09/12/2013

Case Reference	CB/13/02293/FULL
Location	Poppy Hill Farm, off Cambridge Road, Langford, SG18 9SH
Proposal	Siting of Mobile Home on existing farm
Decision	Application Withdrawn
Decision Date	22/08/2013

Case Reference	CB/12/00818/FULL
Location	Land at Thistle Hill / Poppy Hill off Cambridge Road, Langford, Beds.
Proposal	Erection of 3 farm buildings for storage, hay and cattle.
Decision	Full Application - Granted

Decision Date	18/04/2012
Case Reference	CB/11/03437/FULL
Location	Land at Thistle Hill / Poppy Hill, Off Cambridge Road, Langford, Beds. SG18
Proposal	Erection of conventional portal framed agricultural building to store machinery and grain.
Decision	Full Application - Granted
Decision Date	23/11/2011

REPRESENTATIONS (Parish & Neighbours)

Langford Parish Council	Supportive of application and trust Officers will grant approval given the revised set of data which fully explains the need for this proposal.
Neighbours	No responses received.

Consultations/Publicity responses

Agricultural Advisor (External) Advise that there is no agricultural support for the proposed temporary agricultural workers dwelling on this part-time unit, as it would be a second dwelling on a holding which has a labour requirement for less than one full-time person and there is no essential need/functional need for either one or two persons to live at or near the holding. In addition there is currently one dwelling on the holding which is occupied by the applicant, and other dwellings in the area, which are on the market for sale, and which are capable of fulfilling any essential/functional needs which currently exist on this unit.

Public Protection Officer (CBC) No objection, subject to conditions.

Private Sector Housing Officer (CBC) Would not require a site license, no further comments.

Tree and Landscape Officer (CBC) No objections.

Site Notice erected 17.10.14

DETERMINING ISSUES

The main considerations of the application are;

1. Principle of development
2. Character, appearance and streetscene
3. Impact on neighbouring amenity

CONSIDERATIONS

1. Principle of development

The application site is located within the open countryside outside any settlement envelope, wherein national policy and guidance as well as adopted local policies provide a strong policy presumption against isolated new housing in the open countryside unless it can be demonstrated that there is an 'essential need' for a rural worker to live permanently at or near their place of work in the countryside (para 55 of NPPF).

The NPPF does not set out any guidance or tests for establishing 'essential need' and as such, Annex A of PPS 7, is still used by Local Planning Authorities and Planning Inspectors for guidance purposes, despite PPS7 being superseded. These tests are set out in more detail below and are largely echoed by policy 54 of the Draft Development Strategy.

Paragraph 12.22 of the preamble to policy 54 states that '*A functional need will have to be established and capable of being sustained over a period of time. If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should, for the first three years, be provided by temporary accommodation such as a caravan. A temporary or permanent dwelling permitted will be restricted to occupancy of the worker on the establishment.*

Policy 54 states that where there is a clearly established, existing functional need for a rural work to live permanently at or near their place of work in the countryside, new permanent dwellings will be permitted provided the proposals comply with the following criteria;

- the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so; and
- 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.

The application is accompanied by an Agricultural Appraisal that provides detail on the farming enterprise. This information was assessed by an external advisor, appointed by the Council. As the application is for a temporary dwelling (and not a permanent dwelling) the first test required by the NPPF, emerging policy 54 of the Draft Development Strategy and set out in the guidance of Annex A, is the need to demonstrate a functional/essential need for a dwelling on the site.

i) Functional Need

The applicant's current farming enterprise, Simpson & Sons was established at Poppy Hill Farm approximately 4 years ago and comprises 9.1 hectares (22.5 acres) of land. On this site, the applicant has erected a number of modern buildings, comprising a grain store, storage building for hay and straw, general purpose building, general storage/purpose building, and two cattle buildings. The land at Poppy Hill Farm is used for arable and livestock farming purposes, with the existing stock numbers being 23 suckler cows/heifers with 16 calves at

foot, 2 bulls, 4 ewe lambs, 1 ram, 2 sows (1 with a litter of 7), 5 store/fattening pigs, 160 laying hens, 26 laying ducks and 11 geese.

In addition to Poppy Hill Farm, the applicant's holdings also include;

- 4.6 hectares (11.5 acres) to the north of Edworth Road and east of the trainline - owned by the applicant;
- 48.6 hectares (120 acres) known as Balls Farm, which is East of railway and north-east of the village of Langford - owned by the applicant;
- 31.09 hectares (77 acres) known as Bleak Hall Smallholding, adjoins Balls Farm and the A1 and is a rented on a three year Farm Business Tenancy (29.09.2013 - 28.09.2016) from Central Bedfordshire Council. This holding also includes Bleak Hall Farmhouse, the applicants current residential address, and a number of smaller farm buildings.
- 59 hectares (146 acres) of other land is rented in the area under various short-term or gentlemen's agreements. The Council's Agricultural Advisor considers this land to be insecure, and may not be available to the applicant in the long-term, and as such has disregarded it from calculations as it may not be available to sustain the cost of a dwelling in the long-term.

The applicant considers that the additional 59 hectares of land currently rented should be included in the calculations as the applicant has growing crops in the ground, all of which are planned for and budgeted. Whilst it is accepted that this land is currently available to the applicant, and crops will form part of the 2015 harvest, there is no guarantee that the same land will be available in future years. Tenanted land is not usually considered in calculations (financial or working hours) and in this case an exception has been made for the Council tenancy given the likely stability of tenure that this land has.

Whilst the land at Poppy Hill is used for arable and livestock farming purposes, the remaining holdings are used solely for arable purposes (cropping). All livestock, arable produce and machinery are located at Poppy Hill Farm.

The applicant has stated that a dwelling is required on Poppy Hill Farm due to animal welfare and security risks. The animal welfare issues raised by the applicant are as follows;

- Milk Fever (calcium deficiency in cows);
- Grass Stagers (magnesium deficiency in cows);
- Bad calving
- Calf feeding
- Water supply repairs (cattle need high volumes of water, fittings and fixtures need to be maintained regularly);
- Missing cattle
- Cattle getting out.

Whilst these risks are noted, some of these concerns are restricted to certain times of year (calving) and in all cases only relate to the 23 heifers, 16 calves and 2 bulls that the applicant owns. This remains a relatively small number of livestock and is not considered to justify the provision of a dwelling house at the site. Furthermore, there is no reason why these welfare issues could not be overseen from the existing farmhouse or another dwelling in Langford (discussed further below).

The applicant has also stated that a 24 hours on site presence is required for security as thefts and attempted thefts have occurred on site. Whilst the security concerns of the applicant are noted, they do not in themselves justify a dwelling house in the open countryside.

It is not considered that arable farming on nearby land demonstrates a need for a dwelling house on Poppy Hill Farm.

Furthermore, based on the information provided, the Council's agricultural advisor has calculated, using the standard manday figures, that the existing secure holding with the existing livestock enterprises has a labour requirement for 0.78 of a full time person, with the existing livestock labour requirement (required at Poppy Hill Farm) being 0.24 of the total. Therefore, it is considered that the current labour requirement on Poppy Hill Farm is only part-time.

The applicant considers that the assessment from the agricultural advisor has not taken into account additional agricultural contracting work the applicant undertakes, nor does it consider time spent moving and collecting livestock, and time spent selling to local businesses. However with the exception of collecting livestock, these activities would not occur at Poppy Hill Farm and as such would not increase the labour requirement at this holding or add to any functional need.

Therefore, in terms of assessing functional need, it is not considered that adequate justification for an on-site presence to be provided 24 hours a day at Poppy Hill Farm has been provided. The livestock numbers and the calving season do not justify the need for a dwelling house on the site, nor do the security issues raised the applicant. It is therefore considered that the functional/essential need for a dwelling house on the site has not been met and the proposal is therefore not in accordance with the NPPF, policy 54 of the Draft Development Strategy or Annex A of PPS7.

ii) The functional need could not be fulfilled by another existing dwelling;

Notwithstanding the Council's view that the applicant has not demonstrated a functional need for an agricultural workers dwelling at Poppy Hill Farm, even if the applicant could demonstrate this need, it is considered that any functional or essential need could be met by another existing dwelling.

The applicant currently lives on a Council tenanted holding at Bleak Hall, which is tenanted by the applicant until September 2016. The Council's Property and Assets Team have been contacted in relation to the application who have confirmed the existing tenancy agreement. Advice sought from the Property and Assets Team has indicated that subject to the applicant's good husbandry and payment of rent it is highly likely that the applicant will be offered a further 3 or 5 year term. The Assets Team have also indicated that there are no plans to sell the land or the dwelling. Therefore, Bleak Hall and the holding is considered secure.

The applicant has indicated that should planning permission be granted for a temporary dwelling at Poppy Hill Farm, the dwelling at Bleak Hall would be sub-let as a dwelling (the land would continue to be farmed by the applicant). The

Asset Team have confirmed that this would be permitted under the applicant's tenancy agreement. Should this occur, effectively a second dwelling in the open countryside would be created, and a second dwelling for the holding. The standard manday calculations above already indicate that the enterprise does not support a full time worker and as such there is no justification for a second dwelling.

The applicant has indicated that the dwelling at Bleak Hall is not suitable given its distance from Poppy Hill Farm, its location on the A1 (requiring the applicant to travel north to the Biggleswade roundabout before turning south to reach Poppy Hill Farm), and that it is currently tenanted and therefore does not offer any long term security. In terms of distance, Bleak Hall is 2.6 miles from Poppy Hill Farm, via Cambridge Road and the A1, driving time is around 5 minutes. Returning from Bleak Hall to Poppy Hill Farm is a longer route due to the need to head north first on the A1. In this direction the route is 4.7 miles and around 10 minutes. This is considered to be a reasonable distance to travel when required to attend Poppy Hill Farm and furthermore, as Bleak Hall contains farm buildings there is also the ability to keep animals at Bleak Hall during particularly high risk times, such as calving or for calf feeding. In terms of long term security, this proposal is for a temporary dwelling for a three year period and therefore arguably offers little more in the way of long term security than the existing tenancy agreement.

It is therefore considered that any functional need for a dwelling at Poppy Hill Farm could be met by the existing dwelling on the holding.

However, regardless of this dwelling on Bleak hall, Poppy Hill Farm actually borders the settlement of Langford, where housing is available. In fact dwellings in Cambridge Close are within 25 metres of the existing buildings on the site with their rear gardens directly abutting the farm itself. Whilst there are no dwellings currently for sale in Cambridge Close, there are dwellings for sale within the village of Langford itself.

It is therefore considered that any functional need for a dwelling on the holding could be met by existing dwellings, either Bleak Hall which is on the holding itself or by the dwellings within the settlement envelope of Langford. It is therefore considered that there is no justification for a temporary dwelling in the open countryside.

iii) Clear evidence of firm intention to develop enterprise, financially sound and prospect for remaining so;

It is the Council's opinion that there is no functional or essential need for a temporary dwelling to be established at Poppy Hill Farm, and in the event that the application has such a need, it could be adequately met by existing dwellings. Notwithstanding this, regard has also been given to the financial soundness of the enterprise. The NPPF does not specifically require such an assessment. Policy 54 of the draft Development Strategy (paragraph 12.22 of the pre-amble) states that where a dwelling is required for a newly established agricultural business, it should be provided on a temporary basis, for example by a caravan, until such time that it can be demonstrated that the business is financially sound. Annex A of PPS 7 states that the test for a temporary

agricultural dwelling requires 'clear evidence that the proposed enterprise has been planned on a sound financial basis'.

Therefore, the financial test necessary for this application is to demonstrate the financial basis that the business has been set up on. The applicant has indicated that since the business was established in 2010 it has made a profit in 2011, a loss in 2012 and 2013 and a profit in 2014. Although only a letter of support from the applicants accountant has been received to support this. The Council's agricultural advisor has confirmed that insufficient evidence has been provided with the application to assess whether the business has been planned on a sound financial basis.

The applicant has stated that they have invested in the farming enterprise using their own resources and income generated by the farming business. The applicant has indicated that they have invested approximately £420, 000 over the last four years, with a further £30, 000 invested in livestock. The majority of this investment would appear to come from the applicant's own resources.

It is noted that a number of agricultural buildings have been established on the site since 2011, and the applicant has indicated that significant investment in livestock and machinery has been made in recent years, demonstrating the applicant's commitment to increase efficiency and investment in the holding's future.

It is therefore considered that whilst the applicant does have the firm intention to development the enterprise, insufficient evidence to support the financial soundness of the business and its prospects for remaining so, have been provided.

iv) Other normal planning requirements

These are discussed in more detail below, however it is considered that the proposed mobile home would add to the built up appearance of the site and the provision of a residential building on the site would result in a domestication of the site that would be detrimental to the character and appearance of the site, thereby impacting negatively on the landscape character of the site and surrounding area.

Given all of the above, it is considered that the proposal is contrary to paragraph 55 of the NPPF, policy DM4 of the Core Strategy and Development Management Policies (2009), policy 54 of the Emerging Draft Development Strategy (2014) and the guidance given in Annex A of PPS7. The principle of the proposal is therefore considered unacceptable.

2. Character, appearance and streetscene

The proposed mobile home would be located to the front of the existing complex of buildings. Clear views of the building would be possible from the access way. The residential building and associated domestic elements, such as parking areas, residential curtilage, fencing, outbuildings and other ancillary residential structures, would result in a domestication of the site.

The site is located within the open countryside and currently has an agricultural

appearance. The provision of a residential dwelling is considered to be out of keeping with the rural and open character of the site and surrounding area and would result in a detrimental impact on the landscape character of the area.

The Council's policies and national guidance seek to restrict development within the open countryside and protect the character and appearance of residential areas. This proposal is considered contrary to policies CS16, DM4 and DM14 of the Core Strategy and Development Management Policies (2009).

3. Impact on neighbouring amenities

Due to the location of the adjacent spinney and the nearby residential properties, it is not considered that the proposal would result in a detrimental impact upon the neighbouring amenity of adjoining residential properties.

With regards to the amenities of future occupiers of the mobile home, it is possible that the mobile home may suffer detriment to amenity from noise and odour from adjacent farming activities and railway noise, particularly as mobile homes do not generally have good sound insulation. The Public Protection officer has therefore advised that if any consent is granted, it should be restricted to a temporary period and restrict the occupancy to a person employed in the farm business and their resident dependant's. Such conditions could be attached had the application been considered acceptable.

Recommendation

That Planning Permission be REFUSED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The site is located outside any settlement envelope and as such lies within the open countryside, wherein there is a general presumption against residential development. Inadequate justification has been put forward as to the essential need for such accommodation to support a rural worker and in any event any functional need for a dwelling on this site could be fulfilled by the existing dwelling on the holding or by an existing dwelling in the adjacent settlement of Langford. The mobile home would increase the built up appearance of the site and be harmful to the landscape character of the site. As such, the siting of a mobile home for residential accommodation is unacceptable and contrary to the National Planning Policy Framework (para 55) and Policies CS16, DM4 and DM14 of the Central Bedfordshire Core Strategy and policy 54 of the Draft Development Strategy (2014).

The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Notes to Applicant

DECISION

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