

Item No. 8

APPLICATION NUMBER	CB/15/00240/OUT
LOCATION	Havannah Farm, Sutton Hill, Sutton
PROPOSAL	Outline Application: Re-instate farm house and rebuild as a four bedroom dwelling.
PARISH	Sutton
WARD	Potton
WARD COUNCILLORS	Cllrs Mrs Gurney & Zerny
CASE OFFICER	Samantha Boyd
DATE REGISTERED	23 January 2015
EXPIRY DATE	20 March 2015
APPLICANT	Mr & Mrs M & J Oakley
AGENT	M W Easton FIAS (Town Planning)
REASON FOR COMMITTEE TO DETERMINE	Cllr Call In - Cllr Doreen Gurney Reason - Impact on landscape. Replace farm house which was demolished for safety reasons and security of farm buildings from raves/footpath going through farm and when cattle and stock are moved on to site.
RECOMMENDED DECISION	Outline Application - Refusal Recommended

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. The applicant has not demonstrated that there is an essential functional need for accommodation at the site to support a rural worker or that the enterprise is financially capable of supporting a dwelling on the holding. Therefore the construction of a residential dwelling in this location is inappropriate as it would result in an adverse impact upon the character and appearance of the rural area. As such, the proposal is contrary to the National Planning Policy Framework (para 55) and Policy DM4 of the Core Strategy and Development Management Policies, November 2009.

Site Location:

The application site lies to the south of Sutton Road between the villages of Eyeworth and Sutton. The site comprises 6 acres of agricultural land, a collection of traditional barns grouped together around a central courtyard and a separate larger modern grain store building forming a farm complex known as Havannah Farm. The original farmhouse was demolished some 25/30 years ago however the floor slab and foundations remain along with remnants of the decorative floor tiles. The barns have not been used for farming in some time and as a result have deteriorated and have been subjected to vandalism. Access to the barns is via a single width track off Sutton Road.

The application site is in an isolated location within the open countryside.

The Application:

Outline consent is sought for an agricultural workers dwelling house, sited in a similar location to the former farmhouse, with all matters reserved.

RELEVANT POLICIES:

National Planning Policy Framework

Section 55 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.

Central Bedfordshire Council's Emerging Development Strategy 2014

Policy 38 Within and beyond settlement boundaries

Policy 43 High quality development

Policy 54 Rural Workers Dwellings

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

Core Strategy and Development Management Policies - North 2009

DM4: Development Within & Beyond the Settlement Envelopes

DM3 & CS14: High Quality Development

Supplementary Planning Guidance

Design in Central Bedfordshire

Planning History

CB/14/00450/OUT Reinstatement farm house as four bedroom dwelling. Withdrawn

Representations: (Parish & Neighbours)

Sutton Parish Council Raise no objections

Neighbours Seven letters received -
Three letters of objection. Comments summarised:

- Concerned the road will not be able to deal with large lorries, road is narrow with hairpin bends.
- Any plans to move right of way should be opposed.
- Heavy farm traffic would degrade road further.
- Verges would be eroded further.
- Happy with house but not farming business.

- Live near site, applicant informed us they had no plans to farm there.
- Applicants do not have an essential need for the purpose of NPPF.
- There is no established farming enterprise at the site.
- Existing farm buildings have been out of use for many years.
- The fact that the applicant's tenancy is to be terminated is irrelevant to this application.
- Question whether 6 acres is sufficient to accommodate existing business.
- potential contamination of site from disused diesel pump.
- Objection to farming operations - noise and smell from large number of birds.
- traffic concerns on narrow country roads.
- barn owl living in the barns on site.
- impact on public right of way.

Letter of support from NFU (National Farmers Union) -

We have reviewed the submitted documents and believe that it meets all the tests required for granting planning permission for a replacement agricultural dwelling on this site.

It is unfortunate the Oakley's are having to give up their existing tenancy and re-locate their operations. Under the circumstances the redevelopment of the site at Havannah Farm appears to be a viable business move that is compliant with the requirements of the NPPF.

Therefore we encourage the council to approve this planning application for a new dwelling to support the continuation of their agricultural enterprise which makes a significant economic contribution to the local community.

Three letters of support. Comments summarised -

- Lovely to bring farm back into use.
- There has been vandalism, raves and car fires on the neglected site.
- Will improve area.
- The Oakley's are considerate neighbours running a clean, tidy and efficient business.

Site Notice displayed	17/02/15
Advert in press	06/02/15

Consultations/Publicity responses

Agricultural Advisor I refer to your letter dated 28th January, 2015 where you

request I undertake a desktop agricultural appraisal of the above re-submitted application. I now comment on this application, and in particular the supporting statement containing Mr. Easton's comments on my letter dated 23rd April, 2014.

1. The application site, known as Havannah Farm, comprises 2.43 hectares (6 acres) of grassland, a fully enclosed modern storage building, a dilapidated range of traditional farm buildings, and the foundations of a previous dwelling which was demolished approximately 25 years ago by a previous owner. The property was purchased by the applicants Mr. & Mrs. Oakley in 2012, i.e. approximately 2 ½ - 3 years ago.

2. The applicants currently rent a 60.7 hectare (150 acre) mainly arable holding known as Dairy Farm, Bygrave Road, Baldock, from Hertfordshire County Council on a 30 year Farm Business Tenancy, which expires on 29th September, 2021 i.e. the Farm Business Tenancy has approximately 6 ½ years left to run. However, the agent is of the opinion that due to the North Hertfordshire District Council's Local Plan Preferred Options (LPPO) Document which has a timescale for approval of the New Local Plan in early 2017. Some or all? of the land comprising Dairy Farm is within site BA1. If the Local Plan is approved in early 2017 i.e. in two years' time, and the land is allocated for residential development etc., it is not stated when that allocation would be implemented or the development of the land commenced. As the applicants' existing Tenancy would in 2017 only have four years left unexpired, development of the farm may not be started until after 2021, or when the existing Tenancy expires.

3. If Hertfordshire County Council regain possession of Dairy Farm to enable the above development to take place, then the 60.7 hectare (150 acre) unit would clearly no longer form part of the applicants' agricultural business.

4. In addition to Dairy Farm, and the application site, the applicants occupy 121 hectares (300 acres) of other land for the production of hay for sale. This grassland is not held on a Secure Tenancy, and possession could be lost at any time and, therefore, as is normal practice with insecure land it should be ignored for the purposes of any agricultural appraisal for a permanent agricultural workers' dwelling as it may not be available in the long-term to sustain the cost of that proposed dwelling.

5. The agent considers that this is an application for a dwelling in relation to the relocation of the business rather

than for a second dwelling on the overall existing holding. If you as the Local Planning Authority are prepared to accept this as a matter of fact, then I consider the agricultural enterprise at the time of the relocation would comprise Havannah Farm (the application site) which comprises 2.43 hectares (6 acres) and therefore the agricultural appraisal and justification for the new dwelling must be assessed on the existing application site known as Havannah Farm alone, as the other secure land (Dairy Farm) will have been surrendered to the landlords or; in 2021 when the Farm Business Tenancy expires it will not be renewed. I have therefore, based this agricultural appraisal on the information supplied concerning the proposed relocation of the existing business to Havannah Farm.

6. The applicants currently operate a small beef enterprise with 10 beef cattle being finished each year, and a small poultry enterprise raising 460 turkeys and 150 cockerels for the Christmas trade. I have assumed (in the absence of any cropping details for Havannah Farm) that the land is currently grassland, and will remain in grass to support the beef enterprise. Clearly if the Farm Business Tenancy of the land at Dairy Farm is surrendered/not renewed, the arable enterprise on the 60.7 hectares (150 acres) of rented land will cease.

7. I calculate using standard manday figures (from recognised sources) that the relocated agricultural enterprise of 10 beef cattle, 610 Christmas poultry, and 2 hectares of grassland on the 2.43 hectare application site of Havannah Farm, would have a standard labour requirement for 0.27 of a full-time person, and would therefore be part-time, and could not pass the essential/functional need test in The Framework or Annex A to PPS7. I still consider the agricultural contracting enterprise (baling and manure spreading) should be ignored for the purposes of this agricultural appraisal as it is work carried out on other holdings, for other farmers, who have or may have dwellings associated with their agricultural enterprises. This is normal practice when assessing the agricultural needs of an enterprise for a permanent agricultural workers' dwelling on a holding, and has been accepted at numerous Planning Appeals. Therefore, the labour required for the contracting business and the income from it should be ignored. I therefore, do not accept Mr. Easton's comments in paragraph 2.2.2 of his supporting statement.

8. I accept that the machinery for the contracting business needs to be securely stored; however, security of machinery has never been a factor for the justification of a permanent agricultural workers' dwelling as

paragraph 6 of Annex A to PPS7 states “The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one.”

9. The accounts for the existing business including the agricultural contracting have been submitted for the period 1st October, 2010 to 31st December, 2011, 27th October, 2011 to 31st December, 2012 and for the year ended 31st December, 2013. However, these include the agricultural contracting business and are not solely for the agricultural enterprise carried out at Dairy Farm etc. Furthermore they are not and cannot be for the relocated business, as the business has not yet been relocated and the arable part of the business will not be relocated from Dairy Farm. However, I have undertaken a financial test on the current livestock enterprise and I have used the numbers of the existing cattle and poultry enterprises which is the part of the existing business that will form the relocated agricultural enterprise at Havannah Farm and I calculate that the proposed relocated enterprise would be financially unviable, and incapable of sustaining the cost of the proposed dwelling and therefore the proposal is unable to satisfy the sustainability element of The Framework.

10. In paragraph 2.2.9 of Mr. Easton’s supporting statement Mr. Easton presumes wrong. The 0.57 of a full-time person was the total labour requirement for the existing enterprise including the arable enterprise at Dairy Farm, the cattle and the poultry. 0.22 of that 0.57 of a full-time person related solely to the livestock enterprise i.e. the 10 cattle and the Christmas poultry. I accept that if the turkeys are reared from day olds they may be on site for up to 24 weeks. However, as this less than six months of the year it would clearly be unable to pass the essential/functional need test even if there were sufficient birds to require a full-time person to look after them during that 24 weeks. As can be seen from the labour requirement for the proposed relocated enterprise the whole enterprise has a labour requirement for only 0.27 of a full-time person, and this includes the cattle, Christmas poultry and grassland management on 2 hectares.

11. I have not stated that the existing farm is not an established well operated business, from the accounts now provided it clearly is an established well operated business. However, this application is for a new permanent dwelling on what will be the only secure land occupied by the applicants i.e. Havannah Farm comprising 2.43 hectares (6 acres) with a small beef

enterprise of 10 beef cattle and 610 poultry reared for the Christmas trade. This is significantly different to the existing enterprise at Dairy Farm, which includes 60.7 hectares (150 acres) of arable land, and the agricultural contracting business both of which must be ignored for the purposes of this agricultural appraisal.

12. The agent has mentioned on numerous occasions in his supporting statement that I should have visited the site, and the existing business. However, my instructions from the Local Planning Authority were on both occasions to undertake a desktop agricultural appraisal with no instructions to undertake a site visit. This is clearly your choice, as the instructing Authority (my client), and therefore, I have provided two desktop appraisals. Should you wish me to undertake a site visit on this or any other application, I am happy to do so; however, I do not consider a site visit/inspection of this particular site and application would alter my conclusions or advice in this case.

Therefore, In conclusion, I ADVISE that there is no agricultural support for the proposed new permanent farmhouse at Havannah Farm, as the proposed relocated agricultural enterprise at Havannah Farm will be part-time, financially unviable, and unable to comply with the essential/functional need criteria or the sustainability element of The Framework or satisfy the criteria in Annex A to PPS7 for a permanent agricultural workers' dwelling.

Highways

You will be aware from the pre-application consultation CB/13/02089/PAPC and the withdrawn application CB/14/00450, that there are no fundamental highway objections to the principle of an agricultural workers dwelling on this site. This latest proposal does not differ, in a highway context, to the 2014 application and as such my response, repeated below, still applies.

If you are minded to grant this outline application I recommend inclusion of the following conditions and advice note.

Condition. The plans submitted for approval of reserved matters in association with this development shall include the following;

- The existing vehicle crossover reconstructed to the specification of the highway authority.
- The existing driveway reconstructed in a durable

bound material for a distance of 5m measured from the highway boundary.

- Disposal of surface water from the driveway within the site.

Reason: In order to provide an improved vehicle access and to avoid the carriage of extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety avoid the carriage of mud and other

Rights of Way Officer	<p>Sutton Public Footpath No. 7 runs down the main drive/access track and bisects the present farm buildings before running south eastwards to the parish boundary. This public footpath will have to remain unobstructed at all times. Should the applicant be unable to keep the path open at all times, should the house build go ahead, he/she must apply for a Temporary Path Closure at least 6 weeks before the work starts.</p> <p>It may be wise to apply to Countryside Access for a Public Path Diversion of Footpath No. 7 around the Barn and House complex. This diversion will not necessarily be forthcoming but the application will identify any access issues related to the future farming practices as outlined in the Supporting Statement.</p> <p>I have no material objection to the application, however a more accurate plan indication the location of the planned house would be appreciated.</p>
Public Protection	No objection to the application
Rambler Association	Footpath 7 passes through site. We would want footpath to remain on current route.
Internal Drainage Board	No comments to make regarding the application.
Ecology	<p>I made comments on the Pre-app for this proposal number 13/2089 and in this I advised the following;</p> <p><i>I would have no objection to the proposal but would an application to be supported by a habitat survey and a protected species assessment. There appears to be a pond on site and there are records for GCN in the area so if necessary an EPS licence may be required from NE.</i></p> <p>As the current application is supported by neither I am unable to determine the likely impacts on biodiversity and hence would object to the proposal on the basis of insufficient information.</p>

Determining Issues

The main considerations of the application are;

1. The principle of the development
2. The effect upon the character and appearance of the area
3. Neighbouring amenity
4. Highway considerations
5. Any other relevant issues

Considerations

1. The principle of the development

Applications for agricultural workers dwellings in the countryside are currently assessed under Paragraph 55 of the National Planning Policy Framework which advises that isolated homes in the countryside should be avoided unless special circumstances exist such as the need for a rural worker to live permanently at or near their place of work. Prior to the implementation of the NPPF, PPS7 Sustainable Development in Rural Areas was used to assess this type of application along with the guidance notes contained within Annex A. While the guidance in Annexe A of PPS 7 is now superseded, its contents remain a useful tool for assessing such applications and is widely used by Planning Authorities and Inspectors alike.

Although limited weight is given to the emerging Draft Development Strategy, Policy 54 relates to rural worker's dwellings and states:

Where there is a clearly established, existing functional need for a rural worker to live permanently at or near their place of work in the countryside, new permanent dwellings will be permitted provided the proposal comply with the following criteria and other relevant plan policies:

- 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 preamble to this policy states in paragraph 12.22, 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.

The applicant currently rents a 150 acre holding of mainly arable land known as Dairy Farm in Baldock from Hertfordshire County Council however the tenancy expires on 29 September 2021. The farm land has been put forward in north Hertfordshire District Council Local Plan for future development; this site allocation encompasses the land within the farm unit. In addition, the applicants farm other land for hay production, close to the application site. The applicants also rear 460 turkeys and 150 cockerels for the Christmas trade and

approximately 10 beef cattle a year.

The proposal is for a new four bedroom dwelling at Havannah Farm. The submitted information states that the proposed dwelling would enable the applicants to relocate their business from Dairy Farm to the application site and the construction of the dwelling would allow them to move their farming activities as soon as possible, none of which can be put in place until the house is ready for occupation.

However the existing tenancy agreement does not expire until September 2021. The applicant states Herts County Council have indicated the approval of their Local Plan could be as soon as 2017 resulting in a shorter time scale than originally predicted.

When and if the business is relocated, the farming enterprise will be significantly different to the current enterprise as the land and buildings at Dairy Farm will no longer be available for use. The application site is very small in comparison to the rented unit (some 150 acres smaller). The existing enterprise is mainly arable with only 10 beef cattle per year and approximately 600 poultry for the Christmas market which would only be on the holding for approximately 12-15 weeks before Christmas.

Paragraph 3 of Annex A to PPS7 sets out five criteria which must be satisfied to justify a new agricultural dwelling on an agricultural holding. While the annex has been superseded by the NPPF, its contents remain a useful tool for assessing such applications and is widely used by Planning Authorities and Inspectors alike.

When assessing an application for an agricultural workers dwelling, the need of the agricultural unit, as it currently operates is a starting point. The personal needs of the applicant should not form part of the consideration of the application.

Paragraphs 3(i) of Annex A to PPS7 states "There is a clearly established existing functional need" -

There is no existing need at Havannah Farm. The few livestock that are kept on the holding are kept at Dairy Farm. Therefore the essential/functional need is currently fulfilled by the existing dwelling on the rented holding in Baldock. If the existing business is surrendered the arable enterprise on the 150 acres will cease the land that forms the holding would be significantly less. The application has to be assessed on the information supplied regarding the existing business at Havannah Farm, where a new a dwelling on the site is being proposed. This criteria has not been satisfied as it has not been demonstrated that there is a existing functional need for a worker to live on site at Havannah Farm.

Paragraph 3(ii) of Annex A to PPS 7 states "The need relates to a full time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement" - The secure holding and the application site are both part-time with a labour requirement for only 0.57 of a full time person. 0.22 of that 0.57 of a full time person related solely to the livestock enterprise ie: the cattle and the Christmas poultry. However as the Christmas poultry is less than

six months a year, it would not pass the essential/functional need test even if there were sufficient birds for a full time person to look after them for 24 weeks (turkeys are reared from day olds and may be on site for 24 weeks.) On Havannah Farm the labour requirement for the proposed relocation is for only .27 of a full time person and this includes the cattle, Christmas poultry and land management on 2 hectares. As such this criteria has not been satisfied.

Paragraph 3 (iii) of Annex A to PPS7 states "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". - The application site was purchased in 2012 and has since been farmed together with the tenanted holding and the other land. The unit at Havannah Farm has clearly not been established for three years. Accounts for Dairy Farm covering the last three years have been submitted with the application. These include agricultural contracting business, and are not solely for the agricultural enterprise carried out at Dairy Farm. The accounts cannot be used for the relocated business as the arable part of the agricultural business will not be relocated from Dairy Farm. The financial test, based on the currently livestock which would be transferred, shows the enterprise would be financially unviable and incapable of sustaining the cost of the proposed four bedroom dwelling and therefore unable to satisfy the sustainability element of the NPPF. Therefore this criteria has not been satisfied.

Paragraph 3 (iv) of Annex A to PPS 7 states "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 existing dwelling on the rented holding is currently fulfilling the functional need on the holding and is suitable and available until September 2021. At Havannah Farm, the functional need for a new permanent agricultural workers dwelling at the site has not been demonstrated and no information has been submitted relating to the availability of other accommodation in the area. Criteria (iv) has therefore not been satisfied.

Finally, Paragraph 3 (v) of Annex A to PPS7 states "Other planning requirements, eg: in relation to access and impact on the countryside are satisfied" - these requirements do not affect the agricultural needs of the enterprise and will be considered further in this report.

The existing dwelling at Havannah Farm

There is evidence on the site of the former farmhouse. Only the floor slab of the building remains and is virtually intact although somewhat overgrown with vegetation. The farmhouse itself is believed to have been demolished some 25 to 30 years ago by the previous owner of the holding therefore given this timescale, it is considered that an abandonment of the residential use has occurred.

The courts have held that there are four factors to be taken into account when considering whether abandonment has occurred. These relate to the period of

non-use, the physical condition of the property, any intervening use, and the owner's intention. Where a dwelling has deteriorated to such an extent that it requires major reconstruction, this is sufficient in itself to indicate abandonment, as such the proposal cannot be considered as a replacement dwelling as there is no dwelling to replace.

While it is acknowledged that the applicant is indeed a farmer and has the intention of relocating the existing enterprise to the site subject of this application, the application must be assessed against the current situation. At present there is no essential or functional need for an agricultural worker to live at the site and while the future of the existing enterprise is in doubt, North Herts District Council do not have an adopted Local Plan. In any case, as set out by Policy 54, where it can be demonstrated that there is an essential need for an agricultural worker to live on site, the accommodation in the first instance, should be a mobile home and granted for a temporary period only.

While the applicants are farmers elsewhere, they claim the dwelling needs to be ready for occupation before the existing enterprise can be relocated to Havannah Farm. The annex to PPS 7 states that

'Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal circumstances of any individuals involved'.

The applicant also states that machinery needs to be securely stored which has to be factored in to the necessity for a worker to live at the farm. While this is acknowledged, security of machinery is not a justification for a permanent dwelling to be located on the site.

Concerns have been raised by local neighbours relating to large vehicles degrading the road further and smells from the farming business. The use of the land remains in agricultural use, therefore the applicant can operate the business from the existing agricultural barns without the need for planning permission. The application relates only to the construction of a new dwelling for a worker to live on site.

Based on the above the proposal is not considered to comply with the criteria as set out in Annex A to PPS7 or the special circumstances or sustainability element of the NPPF. The proposal is therefore considered to be unacceptable in principle and contrary to Policy DM4 and the NPPF.

2. The effect upon the character and appearance of the area

The application is submitted in outline with all matters reserved. There are no details submitted that relate to the overall design and scale of the dwelling.

The proposed dwelling would be located in the same or similar location to the former farmhouse. The proposed dwelling would be visible within the open countryside given its isolated location and its position. The land is relatively flat in this area, however there are mature trees and hedgerows surrounding the site location and the dwelling would be set back some distance from the public highway. However the application site is in an isolated rural location where there is a presumption against new development in order to protect the character of the countryside. While there are some circumstances which would outweigh the harm caused by the development, in this case there is no

justification for the construction of a new dwelling in this location. Therefore the proposal is considered to be contrary to Policy DM4 and Policy DM3 as it would result in harm to the character and appearance of the rural area.

3. Neighbouring amenity

Given the isolated location of the application site, there are no neighbouring properties close enough to be affected by the proposal.

4. Highway considerations

There are no fundamental highway objections to the principle of an agricultural workers dwelling on this site subject to the relevant recommended conditions and Reserved Matters application.

5. Any other relevant considerations

Planning Obligation Strategy

On 28 November 2014 changes to the National Planning Practice Guidance were published setting out the Government's position that affordable housing and tariff-style planning obligations should not be sought for certain small developments (10 dwellings or less or 1,000 square metres of gross floorspace). This is a material consideration to be taken into account in decision-making on planning applications.

The weight given to this material consideration will need to be considered on a case-by-case basis and in relation to the weight of the existing Development Plan policies, which remain the starting point for consideration in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

In light of this, tariff based contributions are not required for this proposal.

Human Rights/Equality Act 2010

The proposal has been considered against the above Acts and based on the information provided, there are no issues to consider.

There are no further issues.

Recommendation

That Planning Permission be refused for the following reason:

RECOMMENDED CONDITIONS / REASONS

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. The applicant has not demonstrated that there is an

essential functional need for accommodation at the site to support a rural worker or that the enterprise is financially capable of supporting a dwelling on the holding. Therefore the construction of a residential dwelling in this location is inappropriate as it would result in an adverse impact upon the character and appearance of the rural area. As such, the proposal is contrary to the National Planning Policy Framework (para 55) and Policy DM4 of the Core Strategy and Development Management Policies, November 2009.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Refusal of this proposal is recommended for the clear reasons set out above. 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 applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. 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.

DECISION

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