



Town Planning Consultants

Planning Statement

Erection of an Agricultural Workers' Dwelling

Land at Scotch Hills Lane, Newchurch

May 2019

Agricultural Workers' Dwelling – Land at Scotch Hills Lane

Project	Land off Scotch Hills Lane, Newchurch, DE13 8BN
Client	J & L Macpherson Ltd
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Project Team	Jim Malkin
Version	1

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1 Introduction

- 1.1 JMI Planning is a Midlands based town planning consultancy. Its directors are chartered town planners with over 30 years' combined experience in both the public and private sector.
- 1.2 The author of this appraisal, Jim Malkin, has worked as a Principal Planning Officer in development control, and more recently as a planning consultant in the private sector. He has extensive knowledge of the planning system and is a member of the Royal Town Planning Institute.

2 Site and Planning History

- 2.1 The application site comprises agricultural land associated with the holding farmed by J & L MacPherson Ltd.
- 2.2 The applicants have occupied a tenanted County Council farm in Dorset since 2012 and have developed a successful dairy operation comprising of a herd of approximately 200 pedigree British Friesian dairy cows plus up to 300 followers, alongside the breeding and sale of internationally recognised pedigree stock bulls. The couple are both originally from Staffordshire and are eager to return to the area to be close to family. To enable this to occur significant investment has been made in purchasing land and making preparations for the whole sale relocation of the farm.
- 2.3 The holding extends to some 74 hectares as well as another 83 hectares of rented nearby which is used for forage production and slurry spreading.
- 2.4 The site is located within a landscape context of gently undulating countryside interspersed with agricultural uses. The topography falls towards the field boundary

fronting the highway to the south east. Surrounding land uses include the applicant's agricultural buildings currently being constructed and agricultural land associated with the holding. To the north-west the landscape is dominated by the buildings associated with the National Football Centre.

- 2.5 Permission was recently granted for a number of modern agricultural buildings which provide a modern dairy building, as well as implement and feed storage and accommodation for the wintering of cattle. Work on the approved agricultural buildings has commenced. It is proposed that the farm will be fully operational by end of Summer/Autumn 2019.
- 2.6 The dairy unit will operate a traditional grazing system, with the buildings being used to house cows during the winter months. The labour will be provided by Mr MacPherson and he intends to employ three full-time and one part-time employees.
- 2.7 The relocation of the farm would result in around 200 milking cows plus followers, with the associated breeding and calf-rearing facilities, on the holding.
- 2.8 The site has the following planning history of relevance to these proposals: -
 - P/2018/01131 – Erection of an agricultural building
 - P/2018/01132 – Prior notification for the formation of access track
 - P/2018/01133 - Erection of an agricultural building
 - P/2018/01500 – Erection of a dairy building (phase 1), formation of a slurry lagoon and diversion of public footpath 43
 - P/2018/01501 - Erection of a dairy building (phase 2)
 - P/2018/01502 - Erection of a dairy building (phase 3)
 - P/2018/01503 - Erection of a dairy building (phase 4)
 - P/2019/00242 – Diversion of public footpath number 46

2.9 The following documents have been submitted in support of the application:

- Planning Statement
- Agricultural Appraisal prepared by Reading Agricultural Consultants
- Application drawings completed by Bi-Design Architecture

3 The Proposed Development

- 3.1 The scheme proposes the relocation of an existing profitable agricultural business to East Staffordshire. There is presently no farmhouse associated with the holding.
- 3.2 It is essential to the proper management of the holding that Mr Macpherson can live on site to provide for the needs of the dairy cows and youngstock and thus planning permission is sought for a dwelling.
- 3.3 Given the size of the scale of farming operations taking place at the holding the applicant will be employing 3 full time and 1 part time employee to assist in the running of the farm.
- 3.4 There are no agricultural workers' dwellings or buildings suitable for conversion within the applicant's control. As such there is no alternative accommodation that could meet the functional need associated with the holding in this instance.
- 3.5 The application proposes a proposed dwelling of simple, traditional form located within close proximity to the farm operations and associated agricultural buildings.
- 3.6 The dwelling is two storey and provides 4 no. bedrooms, bathroom, living room, kitchen and utility. Also included within the dwelling is a farm office, boot room, farm welfare and wet room, this will be used both by the applicant and his family and also employees of the farm as a mess facility.

- 3.7 The dwelling is sited away from sensitive receptors and views are filtered by boundary hedgerows, trees, and the agricultural buildings associated with the holding. The dwelling is close enough to the applicant's agricultural buildings to allow for effective surveillance and the dwelling will be viewed as part of the cluster of agricultural buildings associated with the holding.
- 3.8 The property would be accessed via an entrance onto Scotch Hills Lane permitted as part of the previously approved access for the agricultural buildings.
- 3.9 The applicant accepts that the property would be tied to a person employed in agriculture. This can be controlled by planning condition.
- 3.10 Similar proposals for workers' dwellings of this scale and size have recently been approved in the Borough including the dwelling at Oak Farm (LPA ref: P/2018/01540) and Anslow Eggs (LPA ref: P/2017/00631). Details of these consents are provided at Appendix A to this statement.

4 Planning Policy Context

National Planning Policy Framework

- 4.1 Paragraph 2 of the NPPF states that "*applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise*".
- 4.2 Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. It explains that in the context of decision taking, this means approving proposals that accord with the development plan without delay.

- 4.3 Paragraph 12 confirms that the presumption in favour of sustainable development established by the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with an up-to-date local plan should not usually be granted planning permission, and decisions that depart from an up-to date development plan should only be taken if material considerations in a particular case indicate that the plan should not be followed.
- 4.4 The East Staffordshire Local Plan was adopted in 2017 and is up to date.
- 4.5 Paragraph 79 of the NPPF states that isolated new homes in the countryside should be avoided unless there is special justification, such as where there is an essential need for a rural worker to live at or near their place of work in the countryside.
- 4.6 Chapter 12 of the Framework houses a number of relevant paragraphs relating to the importance of appropriate design. Paragraph 124 encourages the creation of high quality buildings which raise the quality of the built environment and create better places in which to live and work. Paragraph 127 advises that decision makers should aim to ensure that developments respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture and appropriate landscaping.
- 4.7 Paragraph 170 of the NPPF states decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside, and the wider benefits including economic benefits associated with the best and most versatile agricultural land.

East Staffordshire Borough Council Local Plan (2015)

4.8 Policy SP8 of the Local Plan relates to development in the countryside. It allows for certain specific types of development outside of the settlement boundaries identified on the Proposals Map. One such category is development '*essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location*'.

Strategic Policy 8 – Development Outside Settlement Boundaries

- *The proposed development must not adversely affect the amenities enjoyed by existing land users, including, in the case of proposals for development close to an existing settlement, the occupiers of residential and other property within that settlement.*
- *Proposals do not introduce considerable urban form.*
- *Proximity to settlements where there are advantages of sustainable linkages, but this should not create unacceptable urban extensions or create the opportunity for unacceptable backfill between the development and the urban area.*
- *The detailed siting of the proposed development and its associated environmental impact are compatible with the character of the surrounding area,*
- *The design of the buildings structures and materials are visually well-related to the proposed site and its setting with careful choice of materials, landscaping, massing of buildings and attention to local architecture and roofscape design.*
- *Landscaping associated with the proposal takes into account both the immediate impact and distant views of the development.*
- *The proposed development will not have an adverse impact on the transport and highway network and provides adequate access for all necessary users*

- *The need to maintain land of high agricultural value for food production.*

4.9 Policy SP14 relates to the rural economy and seeks to direct new provision toward Tier 1 and Tier 2 settlement boundaries. Proposals for development outside strategic or local service villages and rural industrial estates will be permitted providing it meets the criteria of Policy SP8, or there are exception reasons why it cannot be located in these villages or in established urban employment locations.

5 Planning Considerations

- 5.1 The essential need for a workers' dwelling is set out within the Agricultural Appraisal completed by Reading Agricultural Consultants. This demonstrates that the scale of the holding is such that there is a minimum labour requirement of 900 SMD's for the cows alone, this proves that there is a need for a full-time presence on site.
- 5.2 The welfare of these animals is protected by the Welfare of Farmed Animals (England) Regulations (2007). This legislation is supported by DEFRA guidance which recommends a permanent staff presence on the farm. It is particularly important for a qualified stock-keeper to be on hand during calving, when they can be required at short notice throughout the day and night. Rural crime is a serious issue and is on the increase, an unattended working farm is an obvious target for criminals. It is therefore clear that there is an essential functional need for a farmworker to be permanently present on the site in this instance.
- 5.3 The accompanying Agricultural Appraisal sets out the labour requirements associated with the holding based upon present stocking levels. It concludes that the operation requires 900 SMD'S for the cows alone and this equates to approximately three full time employees and one part time employee. The morning Milking commences at 5am and the working day finishes at approximately 7pm, 7 days a

week. Cows will be calving all year round and nightly checks/ assistance are part of the routine. It is a very long working day and rest and welfare facilities are clearly necessary.

- 5.4 In *Embleton Parish Council & Anor, R v Gaston* [2013], the courts made it clear that the NPPF does not require a demonstration that the enterprise has been planned on a sound financial basis in order to justify the need for a workers' dwelling.
- 5.5 However, Mr and Mrs MacPherson have been farming for a considerable period of time, the business therefore already exists and can demonstrate its profitability. Accounts for the past three years are available for inspection. These figures demonstrate that the existing business is viable, and able to fund the construction of the dwelling. It is also worth noting the applicants are relocating a large enterprise to the local area there has been significant investment in the unit including the new agricultural buildings, which are currently being constructed. This investment demonstrates the applicant's ongoing commitment to farming at the site which will contribute to rural economic development which is supported by Paragraph 83 of the NPPF.
- 5.6 Previous national guidance advised that agricultural dwellings should be of a size commensurate with the established functional requirement of the business, that dwellings that are unusually large in relation to the needs of the unit or expensive to construct in relation to the income it can sustain in the long term should not be permitted, and that it is the requirements of the enterprise, rather than the owner or occupier, which are relevant. However, the NPPF does not include such guidance the dwelling is not unusually large in the context of other farmhouses in the local area, the size and nature of the agricultural holding, or the needs of the people who are likely to run the farm for the foreseeable future, and its cost can be met by income from the business.

- 5.7 Therefore, it is appropriate to consider the need for residential accommodation in the context of the requirements of the family as well as the nature of the business, rather than purely in terms of what would be theoretically suitable for a potential farm owner or employee.
- 5.8 The scale of the dwelling reflects the requirement for the dwelling to function as a home for the applicants. Mr and Mrs Macpherson have two young children who require separate bedrooms and the dwelling has been designed with this need in mind as well as being able to accommodate future changes in household sizes in terms of possibility of the family expanding further, in terms of an additional child or any possible future need to provide accommodation and care for elderly parents / grandparents in the future. This means that any scheme has to provide quality and flexible accommodation.
- 5.9 It is also necessary for the dwelling to provide functional workspace for the farm, separate from the main living accommodation. It is important that the business is provided with a separate office area to enable paperwork to be safely stored and retained for the business. In addition, it is proposed to employ 3 full time members and 1 part time member of staff to work on the holding. It is therefore necessary to provide a boot room, wet room and farm welfare office to support the needs of employees.

Compliance with Local Plan Policies

- 5.10 The proposal is in broad compliance with the requirements of the NPPF. The development will now be assessed against the relevant policies in the Local Plan.
- 5.11 The application site lies within a rural area outside of any development boundary. Policy SP8 and Paragraph 79 of the National Planning Policy Framework are therefore relevant to the determination of this application.

- 5.12 Policy SP8 lists categories of housing development acceptable outside of settlement boundaries. One category of development accepted in principle by Policy SP8 is development *“essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location”*.
- 5.13 This policy position is reflected in Paragraph 79 of the NPPF states isolated homes in the countryside should be avoided unless circumstances dictate otherwise, one such circumstance is the essential need for a rural worker who would take majority control of the farm business and would be required to live permanently at the farm.
- 5.14 The need for an agricultural workers' dwelling within this location has been demonstrated in earlier parts of this section and it is accepted the proposal satisfies the first part of Policy SP8. The proposal must now be considered against the second part of Policy SP8 which sets out seven criteria against which proposals in the countryside will be assessed. The proposals compliance with the criteria is considered in turn below.
- 5.15 The first criterion of Policy SP8 states proposed development must not adversely affect the amenities enjoyed by existing land users. In this case, the application site is located a significant distance from any residential dwellings or land uses which may be affected by a new dwelling.
- 5.16 The proposal does not introduce considerable urban form and thus complies with the second criterion of Policy SP8.
- 5.17 Criterion three requires development to be within proximity to settlements where there are advantages of sustainable linkages. The site is not located within proximity

to a settlement and the use of a private vehicle will be required. However, Paragraph 79 of the NPPF acknowledges that isolated homes in the countryside are acceptable in certain circumstances including where there is an essential need for a rural workers dwelling as is the case with this proposal.

- 5.18 The detailed siting of the proposed development in relation to the character of the surrounding area is a consideration covered by criterion four. The dwelling is sited in an area characterised by rolling countryside interspersed with individual dwellings and small clusters of built form. The siting of the proposed dwelling maintains this character. The dwelling is sited within sight and sound of the applicant's agricultural buildings to the north and would be viewed in their context. The proposal corresponds to the topography of the site and will be set into a graded bank, which ensures the dwelling will not appear unduly prominent within the landscape. The proposed dwelling would not therefore be viewed as an isolated encroachment into the countryside and is considered contextually appropriate.
- 5.19 The dwelling is sited such that there is adequate separation between the residential element of the site and the agricultural business to ensure that it is a safe and acceptable environment for future occupiers. The property will be viewed in the context of the agricultural buildings on the site and will not appear isolated in the countryside.
- 5.20 Having regard to the site's rural location, the proposed development has been conceived in a traditional style typical of built form in rural locations and would sit comfortably within the landscape. The proposed dwelling will be a two-storey structure which displays traditional massing and design comprising of a pitched tile roofs and painted softwood windows and features a palette of materials consistent with the rural setting.

- 5.21 The justification for the scale of the dwelling has been fully set out in paragraphs 5.6 to 5.10 above and the confirms that the property meets the operational needs of the holding as well as the requirement for it to function as a home for the applicants.
- 5.22 With regards to criterion six the dwelling and its modest domestic curtilage will be largely screened behind the graded bank and existing vegetation and will not therefore appear prominent in distant views.
- 5.23 The proposed dwelling will be accessed off the main farm access permitted as part of the previous applications. Given the nature of the accommodation proposed traffic movements are likely to be minimal. The access previously permitted can accommodate traffic associated with the agricultural enterprise and the minimal traffic generated by the dwelling. The proposal will not therefore have an adverse impact on the highway network and complies with criterion seven of the Policy.
- 5.24 In accordance with criterion eight the proposal will not impact on land of high agricultural value.
- 5.25 In light of the above, it is accepted that the proposal is consistent with Policy SP8 and subsequently Policy SP14 of the Local Plan as well as guidance in Paragraph 79 and 83 of the National Planning Policy Framework.

Impact on Character and Appearance

- 5.26 In accordance with Detailed Policy 1 of the Local Plan the proposal has been sensitively designed as to exhibit high quality design that incorporates traditional and vernacular materials which correspond to and respect the rural location.
- 5.27 The application site is set within an open area close to existing woodland and is

bounded on four sides by trees which provide natural screening. Standard three bar agricultural fencing will delineate the boundary of the property and its curtilage from the remainder of the field and the farm yard.

- 5.28 A modest parcel of land to the south of the dwelling will be laid to lawn to accommodate a private amenity area, whilst the area to the southwest of the dwelling will be used as parking.
- 5.29 The dwelling is a part two storey, part single storey structure which features traditional massing and design, and materials which reflect a traditional country house. The siting and design of the proposed dwelling is therefore compatible with the character of the rural surroundings.

Other Considerations

- 5.30 The proposal site is located approximately 400m from the nearest residential property at which lies to the east of the site with a hill in between. The farmyard and dwelling will be screened by trees planted alongside the National Forest Company as part of an ongoing large stewardship/ tree and hedge planting scheme which is partially complete and will be completed this coming autumn as planting can resume. The proposed dwelling is therefore sufficiently distant from residential properties to avoid any material impact upon the amenities enjoyed by their occupants.
- 5.31 The new access permitted under application (LPA ref: P/2018/01500) is appropriate to serve both the agricultural buildings and a new dwelling, as well as any further expansions to the business.
- 5.32 In terms of ecology the scheme utilises existing farmland which is heavily grazed and therefore provides no habitats for European protected species. There are no trees or

buildings that could be utilised by bats, and there are no watercourses or ponds near to the site, or any evidence of badgers on the land. The proposal will therefore not have any adverse impacts on protected species or their habitats.

5.33 The site is located in Flood Zone 1 and is therefore not at risk from fluvial flooding.

5.34 There are no other matters or material considerations that preclude the granting of planning permission for the erection of a workers' dwelling.

6 Conclusions

6.1 The proposal involves the provision of an agricultural workers' dwelling to meet an essential functional need at the dairy unit operated by J & L MacPherson Ltd.

6.2 The proposed dwelling is sensitively sited in close proximity to the recently approved agricultural buildings and has been carefully designed to have a character and appearance in keeping with the local vernacular. The proposed dwelling would not therefore harm the character or appearance of its rural surroundings.

6.3 The application is supported by an agricultural appraisal which sets out a functional need based upon stocking levels at the unit.

6.4 The site is sufficiently distant from other residential properties to avoid compromising the amenities enjoyed by their occupants. The proposals will utilise the existing access which is sufficiently wide to accommodate the provision of a dwelling. There are therefore no material planning constraints which present a barrier to development in this instance.

6.5 The proposals therefore constitute sustainable development which accords with Policy SP8 and SP14 of the Local Plan and Paragraph 79 of the NPPF. In accordance with the presumption in favour of such development established by Paragraph 11 of the National Planning Policy Framework it is therefore respectfully requested that the application be approved.

Appendix A – Recently Consented Agricultural Workers Dwellings

- *P/2018/01540 - Erection of an agricultural workers dwelling – Packington Poultry – 361m²*
- *P/2017/00631 - Anslow Eggs - Total floor Area 401m²*
- *P/2013/00864 - Froggy's Farm, Ashbrook Road, Abbots Bromley - Total floor Area 343m²*
- *P/2013/00496 - Wood Lane Hall Farm Dunstall Lane Woodlane Yoxall – Total floor Area 265m²*