

PLANNING APPLICATION REPORT

REF NO: AL/90/11/

LOCATION: Land at Sheepwash Farm
Church Road
Aldingbourne

PROPOSAL: Amendment to siting & design of temporary agricultural worker's dwelling at Sheepwash Farm for a temporary period of 3 years (re-submission following approval AL/49/11/)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is an amendment to the previous approval AL/49/11/ for a temporary agricultural workers dwelling sought with a justification to live on site to attend to animal welfare in an expanding business. The application must be justified in accordance with Annex A to PPS7 Agricultural, Forestry and Other Occupational Dwellings. The amendment is to re site the dwelling away from an underground water pipe.
SITE AREA	0.02 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedgerow and post rail fencing to entrance of the site with a metal agricultural gate.
SITE CHARACTERISTICS	The site comprises a field to the front with an existing barn to the rear which houses fertilizer, spreader, baler, baler wrapper, quad bike, cattle feed and corn miller. On the upper level is a toilet. There are also two tractors. Bales of hay. To the rear are pigs, 69 cows, chickens and geese with 70 sheep in the far field. There is a caravan on the site for overnight accommodation to attend to animal welfare.
CHARACTER OF LOCALITY	Rural with some housing based around the church. Predominantly agricultural land to north and west.

RELEVANT SITE HISTORY

AL/49/11/	Temporary agricultural worker's dwelling at Sheepwash Farm for a temporary period of 3 years.	Approve Cond 16-08-2011
AL/50/11/	Erection of agricultural building at Sheepwash Farm to be used for livestock.	Approve Cond 16-08-2011

REPRESENTATIONS

Representations received:

Awaited.

Comments on Representations received:

CONSULTATIONS

Southern Water Planning
Engineers (Fluvial Flooding)
Environment Agency

Consultations responses received:

AGRICULTURAL APPRAISAL:

Sheepwash Farm extends to approximately 10 hectares and is on land permanently laid to pasture, grazed mainly with cattle and sheep. The owned land is supplemented with rented land extending to approximately 16.2 hectares which consists of land "over the road", at Barnham and Chichester. The owned land was purchased in blocks, 2002, 2003 and 2005. The applicant although previously engaged in mainly commercial building works, has been involved in agriculture since leaving school and has built up a sizeable agricultural contracting business which operates from the site.

An agricultural barn (15.6m x 12.2m) was erected in 2004 (AL/53/04). The agricultural contracting business appears to concentrate mainly on hay and straw baling with over 3,000 large round bales produced each year.

The Livestock Movement Books from 2004 onwards and the Medicine Book from 2009 are evidence of the business and cattle and sheep sales have been occurring since 2004 with a considerable upsurge in 2011.

It is the desire of the applicant to expand livestock rearing, to ensure the farm can provide full time employment and allow part-time work for family members. Future plans include:-

- (i) Buying in 20 - 40 week old calves every month and rearing these for onward sale at approximately 12 weeks of age. Approximately 15 animals are to be retained and reared to finish weights each year;
- (ii) Approximately 220 - 250 calves to be reared for onward sale to the current purchaser, Taplin Calves of Southampton, who have supplied a letter of commendation;
- (iii) the sheep flock will be expanded from 40 ewes to 100;
- (iv) the pig enterprise will expand to 5 sows with piglets sold at weaning;

(v) a new turkey raising enterprise with 100 turkeys reared for the Christmas market.

(vi) 100 - 200 free range laying hens.

To accommodate the increased stock levels, the applicant has also applied for a second barn (AL/50/11).

The applicant presently lives about two miles from the site. As this application is for an agricultural workers dwelling, the tests applied to PPS7 Annex A must be met.

INTENT AND ABILITY:

The applicant owns sufficient land to develop the operation and has established a good track record with a local farmer for the production of quality calves. Sheep have been kept for a number of years with presently 40 ewes. A successful agricultural contracting business has been established, this is supported by the range, age and quality of the agricultural machinery on site.

The proposed expanded enterprise will require the provision of a new agricultural building for which planning approval has been separately sought (AL/50/11).

Therefore the applicant has demonstrated the necessary skills to satisfy intent and ability.

FUNCTIONAL TEST:

The functional test requires the establishment of an essential need for the proper functioning of an enterprise for one or more workers to be readily available at most times. Annex A cites the case of the delivery of essential care to animals at short notice and notes that where such a need does exist that regard be given to the scale and nature of the need in order to determine how many workers are required to meet it.

In this case there is a functional need for staff to be readily available for the calves as there is a mixed batch of calves every month and individually penned for two to three weeks. This is stressful for the animals and in such circumstances diseases and infections can multiply. In young animals this can be fatal. Staff need to be vigilant and readily available to administer medication, sometimes every few hours. The justification for this is set out in The Welfare of Farmed Animals (England) Regulations.

It is recognised that there is a need for on site supervision during lambing which will take place in March and April. Whilst the pigs generate a lesser need, they do contribute to the overall mix.

Therefore it is considered that there is a need for a worker to live close to the unit to be available at most times.

FINANCIAL TEST:

The budgets presented by Symonds & Sampson and the costs of production accords with the John Nix Farm Management Pocket book 41st edition (FMP) in the main. The budget appears reasonable and the sale of the product achievable and sufficient to meet the tests.

The one concern is that a large part of the farms income is likely to be derived from agricultural contracting and possible hay and straw sales. Should permission for the temporary dwelling be permitted the applicant should be advised that Annex A Paragraph 13 does not permit extensions to temporary permissions. Full transparency will be required to ensure contracting and straw income and costs are separated in the farm accounts so that the Council can properly determine the viability of the livestock enterprise that generate the need for the dwelling.

SUITABILITY AND AVAILABILITY OF ACCOMMODATION:

The applicant lives two miles from the site, however this is not close enough to enable the key worker to identify and respond to issues readily. Added to this the anti-social hours of working in farm vehicles is not appropriate in a residential area. Therefore the existing dwelling is not suitable to monitor the yard. However, it is important to note that the dwelling will not be required until calf numbers rise and the barn is erected. Therefore it may be appropriate to attach a condition restricting residential occupation of the mobile home until the material completion of the barn.

ENVIRONMENT AGENCY :

No objections.

SOUTHERN WATER :

The applicant is advised to consult Environment Agency regarding the use of a septic tank close to the Aldingbourne Rife surface water disposal: Add a condition that details of surface water drainage are required.

DISTRICT ENGINEERS :

The Environment Agency will need to be consulted on the use of a septic tank due to the proximity to the Aldingbourne Rife. A condition should be imposed with regard to surface water drainage.

Comments on Consultation responses:

Noted and agreed.

POLICY CONTEXT

Designation applicable to site:

Outside the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN3](#)
[GEN7](#)
[GEN9](#)

Protection of the Countryside
The Form of New Development
Foul and Surface Water Drainage

PLANNING POLICY GUIDANCE

PPS1
PPS7

Delivering Sustainable Development
Sustainable development in rural areas

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area and that financial and functional need have been justified to warrant a temporary dwelling.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The application is for a temporary agricultural worker's dwelling and therefore seeks to meet the tests set out in PPS7 Annex A and has been approved under AL/49/11/ however the site has to be slightly moved by 5m away from an underground water pipe.

PPS7 SUSTAINABLE DEVELOPMENT IN RURAL AREAS, ANNEX A:

This policy states that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural full-time workers to live at or in the immediate vicinity of their place of work. The needs are of the enterprise concerned and not on personal preferences or circumstances of any individuals.

The Local Planning Authority should scrutinise thoroughly applications with the aim of detecting attempts to abuse the concession that the planning system makes for such dwellings. The intentions should be genuine intentions to engage in farming and capable of being sustained for a reasonable period of time. To determine this, a functional and financial test must be applied to the proposal.

FUNCTIONAL TEST:

This test is to establish whether it is necessary and essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. For example, in case animals require essential care at short notice, to deal with emergencies. To determine this is not an abuse of the planning system, the history of the holding and the recent pattern of land use and buildings should be scrutinised.

If a new temporary dwelling is essential to support a new farming facility, for the first three years it shall be provided by a caravan or structure that can be easily dismantled.

There should be 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 intention).

It has to be clear that the functional need cannot be fulfilled by another existing dwelling which is suitable and available.

FINANCIAL TEST:

There should be clear evidence that the proposed enterprise has been planned on a sound financial basis.

ASSESSMENT:

The Council's agricultural consultant has given a full appraisal of the proposal above. The applicant is currently engaged in the raising of cattle and grazing of sheep, he owns the site but also rents land for grazing in the locality. There is an existing barn on the site which contains feed and equipment for use in the applicant's hay and straw baling, with records dating back to 2004. The applicant has also applied for the erection of a cattle shed for use in the expanded proposed business (AL/50/11). The agricultural appraisal consultee is satisfied that the proposed expansion of the enterprise has provided sufficient evidence of the functional need. The financial appraisal proves that the figures are achievable and therefore meets the financial test. However, there is concern that the farm income relies heavily on agricultural contracting and possible hay and straw sales. If a future application is to be made for a permanent dwelling the financial appraisal would need to provide beyond doubt that the agricultural contracting business along with the hay and straw sales are separate in the accounts to determine viability of the livestock enterprise to generate the need for a permanent dwelling.

It is therefore considered that the functional and financial tests have been met for a temporary agricultural worker's dwelling and is therefore recommended that the application is approved subject to the following conditions.

DRAINAGE :

No objections have been raised from either Southern Water, the Environment Agency or the District Engineers.

The moving of the dwelling by 5m is necessary to avoid the underground water pipe. Whilst the new site is further away from the existing buildings it is considered that the site is as close as possible to the buildings avoiding the underground infrastructure. It is therefore, recommended that the re-siting is approved subject to the following Conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The mobile home hereby permitted shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or

before the expiration of the period ending on 3 years from the date of this permission.

Reasons: The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period, in accordance with PPS7.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans location plan, site plan, drawing 21153/06 submitted with the application.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 No development shall commence on site until the cow shed approved under reference AL/50/11/ has been erected and completed in accordance with the approved plan.

REASON: To conform to the functional need tests of PPS7 annex A.

- 4 The mobile home hereby permitted to be stationed on the site shall not be occupied otherwise than as one single unit of accommodation and such operation shall be limited to a person employed in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990 and the dependents of such a person residing with him or her.

Reason: The site lies in an area where permission for development unrelated to the essential needs of agriculture and/or forestry would not normally be granted in accordance with GEN2, GEN3, DEV7 of the Arun District Local Plan.

- 5 The herdsman's caravan currently stationed on the site shall be removed from the site when the mobile home hereby temporarily approved is placed on the site.

Reason: The site lies in an area where permission for development unrelated to the essential needs of agriculture and/or forestry would not normally be granted in accordance with GEN2, GEN3, DEV7 of the Arun District Local Plan.

- 6 The development shall not proceed until details of the proposed surface and drainage system have been submitted to and approved by the Local Planning Authority. Surface water drainage shall be carried out in accordance with such details and in conjunction with the associated building works.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7, GEN9 of the Arun District Local Plan.

- 7 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material

considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN3, GEN7

NATIONAL POLICIES: PPS1, PPS7

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.