

**9. FULL APPLICATION: AGRICULTURAL WORKERS DWELLING AT MORRIDGE TOP FARM, BLAKELOW ROAD, ONECOTE (NP/SM/0717/0741, P3414, TS)**

**APPLICANT: SJ & SP HARPER**

**Site and Surroundings**

1. Morridge Top Farm is situated in an isolated, upland location just to the east of the high ridge known as Morridge, which forms the south western boundary of the National park. The application site is comprised within a group of farm buildings that form part of holding that has expanded incrementally since 2004 when permission was first granted for a new access track to the application site and a farm building on what was previously a bare field site.
2. There is currently a static caravan on the site that was previously granted planning consent for a temporary period of three years. The applicants and their family live in the static caravan.
3. The farm comprises of the existing buildings and about 10 acres of land surrounding them. The site is within the Natural Zone. The surrounding area is predominantly characterised by open countryside and agricultural land. The nearest neighbouring properties are Moorside Farm, approximately 300 metres to the north east, Birdsgrove Farm approximately 300 metres to the north and Hopping Head, approximately 320 metres to the north west.

**Proposal**

4. The application is seeking full planning permission for an agricultural workers dwelling. The proposed dwelling would be to provide a permanent on-site dwelling in order to replace the temporary accommodation that has been provided by the existing static caravan.
5. The proposed dwelling would be sited just to the south of the existing farm buildings next to the existing farm access track. The dwelling would be a bungalow with first floor accommodation set within the roof space.

**RECOMMENDATION:**

**That the application be REFUSED for the following reason:**

**The scale of the farm business does not generate the need for a permanent full-time employee and as such there is not an established existing functional need for a permanent agricultural workers dwelling. The construction of a new dwelling in this isolated location in the open countryside, within the Natural Zone, is therefore not justified and is contrary to policies HC1 and HC2 of the Core Strategy, Policy LC12 of the Local Plan and the guidance contained within the National Planning Policy Framework.**

**Key Issues**

6. Whether development within the Natural Zone would be acceptable
7. Whether there is an established functional need for a permanent farm workers dwelling
8. The impact of the development on the landscape character and special qualities of the National Park.

9. Whether the proposals are acceptable in planning terms with regard to ecology; highway issues and impact on amenity of local residents.

### **Relevant Planning History**

10. The following planning history is considered to be the most relevant to the current application:

2004	Planning permission granted for erection of agricultural building for storage and livestock housing and construction of track
2011	An application for a temporary agricultural workers dwelling (static caravan) was refused due to lack of evidence of a functional need.
2013	Planning permission granted for extension and erection of agricultural buildings for livestock accommodation and covered manure storage
2014	Temporary planning permission granted for siting of caravan as an agricultural workers dwelling for a temporary period of 3 years.

### **Consultations**

#### **Consultees**

11. County Council (Highway Authority) – no comments received
12. Onecote Parish Council – Object to the application on the following grounds:
- National and local planning and conservation policies have a presumption against new building in open countryside where no dwellings exist.
  - Allowing the proposed development would set a precedent for similar development in the surrounding area.
  - Whilst the Parish Council applauds Mr and Mrs Harper's hard work and determination to succeed, it does not feel that the current business case for a permanent dwelling has been demonstrated given that the permanent land holding has not increased since the previous application.

### **Representations**

13. None received

### **Policies**

14. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
- Conserve and enhance the natural beauty, wildlife and cultural heritage
  - Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public
15. When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

## **National Planning Policy Framework**

16. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published on 24 July 2018. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
17. Paragraph 172 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'
18. Paragraph 77 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.
19. Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless particular circumstances apply, including when there is an essential need for a rural workers, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
20. Paragraph 172 includes footnote 54, which notes that further guidance on how National Parks should be managed is provided in the English National Parks and Broads: UK Government Vision and Circular 2010 (the Vision and Circular). In paragraph 78 of the Vision and Circular, the government recognises that National Parks are not suitable locations for unrestricted housing. This is consistent with the Authority's own housing policies, which focus on meeting affordable housing needs within the National Park, as detailed below.
21. Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
22. Paragraph 83 states that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas.

## **Development Plan**

### Core Strategy

23. Policy GSP1 seeks to secure National Park purposes and GSP2 builds upon this by stating that opportunities should be taken to enhance the valued characteristics of the National Park and, (in part D) specific opportunities should be taken to remove undesirable features or buildings. This is expanded in policy L1 which relates directly to enhancement of landscape character, L2 to sites of biodiversity and geodiversity importance and policy L3 relating to the conservation and enhancement of features of archaeological, architectural, artistic or historic significance.

24. Policy GSP3 refers to development management principles. Relevant criteria listed in this policy relate to appropriate scale of development in relation to the character and appearance of the National Park, impact on access and traffic, and impact on living conditions of communities. Policy GSP4 recommends the use of conditions and legal agreements to ensure that benefits and enhancement are achieved.
25. Policy DS1 is the development strategy and sets out that the majority of new development will be directed into Bakewell and named settlements. DS1 also establishes that development in the Natural Zone will be resisted other than in exceptional circumstances.
26. Policy HC1 establishes that provision will not be made for new housing solely to meet open market demand. Exceptionally, new housing can be accepted where it provided for key workers in agriculture.
27. Policy HC2 sets out the broad criteria that must be applied to applications for agricultural workers dwellings as follows:
28. New housing for key workers in agriculture, forestry or other rural enterprises must be justified by functional and financial tests.
29. Wherever possible it must be provided by re-using traditional buildings that are no longer required for their previous use.
30. It will be tied to the land holding or rural enterprise for which it is declared to be needed.
31. The supporting text to policy HC2 states that justifying a new home outside of a settlement depends on essential functional and financially sound needs of an enterprise for full-time employees and not on personal preferences or circumstances.
32. Saved Local Plan Policies
33. Policy LC1 sets out that development in the Natural Zone will only be approved in exceptional circumstances, including where it is essential for the management of the Natural Zone.
34. Policy LC12 states that:
35. The need for a new agricultural or forestry worker's dwelling will be considered against the needs of the farm or forestry business concerned and not the personal preferences or circumstances of any individuals involved. Development will be permitted provided that:

*“a detailed appraisal demonstrates that there is a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available at most times, day and night, bearing in mind current and likely future requirements;*

*and there is no suitable existing accommodation in the locality that could reasonably be made available for occupation by the worker(s) concerned;*

*and size and construction costs are commensurate with the established functional requirement and likely sustainable income of the business;*

*and it is close to the main group of existing buildings and does not require obtrusive new access tracks or driveways;*

*and a satisfactory mechanism is put in place to secure long term control by the business of the dwelling in question and of any other dwelling that meets an agricultural need of the business;*

*and occupancy of the dwelling in question (and of any other dwelling that meets an agricultural need of the business) is restricted to persons solely or mainly working in the locality in agriculture or in forestry, or to the same occupants when they have stopped such work, or a widow or widower of such a person, and any resident dependants;*

*and stated intentions to engage in or further develop farming or forestry are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. Where there is uncertainty about the sustainability of an otherwise acceptable proposal, permission may be granted for an appropriately coloured caravan or other temporary accommodation;*

*and sufficient detail is provided to enable proper consideration of these matters.”*

36. LT18 seeks to ensure that the highest standard of design and material is achieved in transport infrastructure to conserve the valued character of the area.

37. Policy LC4 expects a high standard of design with particular attention being paid to scale, form and mass, building materials, landscaping, and amenity and privacy.

38. The relationship between these policies in the Development Plan and national planning policies in the National Planning Policy Framework has also been considered and it is concluded that they are consistent because the Framework promotes sustainable development sensitive to the locally distinct character of its setting and places great weight on the conservation of the scenic beauty of the National Park, its wildlife and heritage assets.

39. Emerging Development Management Policies

40. The Authority's emerging Development Policies Document has now undergone examination in public. Whilst the document has not yet been adopted, and therefore cannot be given full weight in the assessment of the application, given the advanced stage it is considered that some weight can be given to the emerging policies. Policy DMH4 is of particular relevance to essential worker dwellings and sets out criteria that are very similar to those in existing Local Plan policy LC12. Significantly through, Policy DMH4 clarifies the requirements of the financial test that should be applied to applications for agricultural workers dwellings as follows:

41. *“Before permitting worker accommodation, the Authority will require financial evidence that the business has been operating for at least three years, that it is currently profitable and that it has been so for at least one of the last three years, and that the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling.”*

**Assessment**

**42. Issue 1 – Development within the Natural Zone**

43. The application site lies within the Natural Zone. It must be recognised however that the proposal is for an agricultural workers dwelling within an existing group of farm buildings, so it does not represent the introduction of development in an area of the Natural Zone where none presently exists. In considering the 2004 application for the creation of this farmstead, the case officer's report noted that: *“Officers consider that there will be significant conservation gains if the application for the road and building is*

*granted. The field is a semi-improved grassland with a thin peaty soil on thick clay surface deposits. As a result it is very wet in the winter. The sward is rush infested and of moderate ecological interest with a few areas of special interest where wet heath species occur. If the situation is left as it is there will be significant damage to the site. The building and road are necessary for the efficient management of the site and would allow areas of ecological interest to be safeguarded from poaching in damp conditions, therefore this part of the Natural zone would be conserved.”* The view was therefore taken that exceptional circumstances existed to justify development in the Natural Zone as it was in the interest of its conservation. Given that the current application is for an agricultural workers dwelling, it is considered that the further development in the Natural Zone would be acceptable for the same reason if it can be demonstrated that there is an essential functional agricultural need for it. Without a clearly demonstrable essential functional agricultural need, there would be no justification for the construction of a new dwelling within the Natural Zone.

**44. Issue 2 - Whether there is an established functional need for a permanent agricultural workers dwelling**

**45. Background and Principle of Development**

46. A farm unit at the site was created around 2004 when planning permission was granted for an agricultural building and an access track. In 2011 an application for a static caravan to provide accommodation for a farm worker was refused because a functional need for it had not been demonstrated. A subsequent application for a static caravan to provide farm workers accommodation was approved in 2014 for a temporary period of three years. The applicants and their family now live in this caravan. However, the permission for the caravan has now expired and it is therefore currently unauthorised. The current application seeks permission for a permanent dwelling and this would replace the existing static caravan.
47. In the 2014 application for the static caravan it was acknowledged by the applicant that the farm business at that time was not at a stage where a permanent dwelling could be justified within the terms of local and national policy. However, it was demonstrated that an on-site presence was necessary to develop the farm business. Policy LC12 allows for temporary accommodation when there is uncertainty about the sustainability of a proposal. The Committee Report for that application noted that:
48. *“In this case, the uncertainty around the current proposals partly arises from the fact that much of the applicant’s land is currently rented, and it is only in the event that capital is released from the applicants’ existing house to buy more land that the farm business is likely to develop as anticipated in the submitted agricultural appraisal. Therefore, a temporary permission for the static caravan would allow the applicants to develop the existing farm business but there also remains some uncertainty that the business plan for the holding can be achieved despite the clear intentions of the applicants.*
49. *This is an especially important consideration because a temporary consent for a static caravan would be unlikely to be renewed at the end of the three years sought by this application but the temporary accommodation is now needed if the applicants’ aspirations to develop their farm business and increase their land holding are going to be achieved.”*
50. The temporary permission for the static caravan was therefore justified in order to allow the applicants to grow the farm business with the intention of reaching a scale where a permanent on site dwelling would be justified.

51. The 2014 application was accompanied by an agricultural appraisal that included a business plan that set out the applicants' intentions for developing the business. This included a statement that the granting of permission for a temporary caravan would allow the applicants' previous property to be sold and proceeds invested in the farm business. In addition, as the farm business grows additional finance through a farm mortgage will provide sufficient capital investment.
52. According to the agricultural appraisal and business plan, in 2014 the applicants owned the 10 acres at Morridge Top Farm and rented a further approximately 50 acres. It was also stated that the applicants owned a further 7 acres of land at Bottomhouse, but it is now known that the purchase of this land fell through some time after the appraisal was compiled so this is not in fact within the applicant's ownership. The business plan states that it was intended that approximately 50 acres of additional land would be taken on within the next 3 years and that this would either be rented or purchased depending on the circumstances and location.
53. Also at that time, the farm comprised of 25 cattle, with the intention to grow the herd to 100 in the three year period of the temporary static caravan.
54. A new agricultural appraisal of the farm business as exists today has been submitted with the current application. This sets out that the applicants still own just the 10 acres of land around the buildings at Morridge Top Farm, but 114 acres of land in four different land parcels are now rented. The total land farmed by the applicants is therefore 124 acres. There has therefore been a significant increase in land farmed by the applicant, but no increase in the land in ownership or in land in the immediate locality of the proposed farm workers dwelling.
55. In terms of livestock numbers, the number of cattle has increased to 55. This is below the anticipated increase to 100 cattle that was forecast in the 2014 business plan. The applicants have however developed a flock of 56 breeding sheep, which was not forecast in the previous business plan so represents an additional activity. Overall therefore, it is fully acknowledged that there is evidence of the farm business having developed since temporary planning permission was granted for the static caravan. It is however concerning that no additional land has been purchased as there is little security that the rented land will remain part of the farm business in the long term.
56. Functional and Financial Tests
57. Having established the size of the farm holding as exists today and the nature of the farm business, it is necessary to consider whether there is now a genuine functional need for a permanent on-site farm workers dwelling. The submitted appraisal includes a breakdown of the labour demand of the farm business. This sets out that the numbers of livestock in the business, plus demand for repairs and general maintenance generates a labour demand of 131 standard man days in a year. This is the equivalent of just less than half of one full time job. The appraisal sets out that there is an intention to purchase another 30 cattle in the next 12 months and this would increase the labour demand to about 66% of one full time job. Significantly therefore, the farm business as it exists now and as it is predicted to be in 12 months does not generate full time employment for one agricultural worker. The supporting text to policy HC2 makes it clear that justifying a new home outside of a settlement depends on essential functional and financially sound needs of an enterprise for **full-time employees** and not on personal preferences or circumstances. The supporting information confirms that both of the applicants work off the farm in order to support the farm business so neither is a full time employee of the farm business. Given that the farm business does not generate full time employment for at least one agricultural worker it cannot be said that a genuine functional need for a permanent farm workers dwelling exists. The proposal is therefore clearly contrary to policy HC2 and cannot be supported.

58. It is acknowledged that a need for onsite presence for animal welfare purposes, particularly during calving and lambing still exists. However, this in itself does not justify a permanent farm workers dwelling if that dwelling is to be occupied by someone that is not a permanent full-time employee of the farm business.
59. The submitted supporting information sets out that the beef and sheep numbers are to be expanded in the next 3 years and that the applicants will be in a better position to buy land if planning permission for a dwelling is approved as the site will be worth more to borrow against in order to raise finance that can be used to expand the business. The applicants have made it clear during the course of the application that it will not be possible to significantly expand the farm business any further unless planning permission for the new dwelling is granted as it will not be possible to raise capital to do so without being able to borrow using the dwelling for security.
60. There are two issues with this approach: firstly; it contradicts the statement in the 2014 appraisal that capital from the sale of the applicants' previous property and a farm mortgage would provide sufficient capital investment to be able to grow the business. Secondly, and most significantly; policy is very clear that the functional need for a dwelling must be **existing**. It is not acceptable to allow a permanent dwelling to be approved on the basis that a business will expand in the future to a size to justify a dwelling. Taking this approach would be highly unsustainable. Agricultural workers dwellings are only acceptable as exceptions to the general presumption that new houses won't be allowed in the open countryside when a genuine need exists as unrestricted housing would be severely harmful to the conservation of the National Park. It is fully acknowledged that the NPPF encourages the growth and expansion of rural businesses. However, the emphasis is on sustainable growth and expansion and it is considered that granting permission for an agricultural workers dwelling in anticipation of the farm business growing in the future is speculative and not a suitable or sustainable practice.
61. In terms of financial tests, the supporting text to emerging policy DMH4 clarifies what is expected in order for the financial test to be passed as follows:
62. *Before permitting worker accommodation, the Authority will require financial evidence that the business has been operating for at least three years, that it is currently profitable and that it has been so for at least one of the last three years, and that the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling.*
63. Business accounts have been submitted for the last three years. These show that the business generated a small profit in the last financial year and has been profitable for two out of three of these years. A loss was made in one year but the applicant has explained that this was due to an outbreak of pneumonia and the business has now recovered from this. The application has therefore clearly demonstrated that the business has been established for at least three years and has been profitable for at least one of the last three years. However, based on the small level of profit the business generated last year, there has to be uncertainty about the ability of the business to sustain the construction costs of a new dwelling. The supporting information explains that income from employment away from the farm would help to fund the building of the property, rather than profits from the farm building itself. This is acknowledged but raises further doubt about the scale of the farm business being sufficient to justify a permanent dwelling and the sustainability of granting permission for a permanent agricultural workers dwelling for it.



64. There is some sympathy for the position that the applicants find themselves in. It is clear that this is not a 'hobby farm' or simply a lifestyle choice and that the applicants' aspirations to develop the business to a level whereby they can become full time employees of the farm business are clear. However, it is not clear how the applicants can grow the farm business to a scale at which they (or at least one of them) could become full time employees of the business. Policy and guidance is quite clear that there must be an **existing** functional need for a full time agricultural workers dwelling in order for an exception to the presumption that planning permission will not be granted for new dwellings in the open countryside to be justified. It is clear that the functional need for a full-time agricultural workers dwelling does not exist at this time. The proposal is therefore contrary to policies HC1, HC2, LC12 and emerging policy DMH4.

**65. Issue 3: The impact of the development on the landscape character and special qualities of the National Park.**

66. Design and Landscape Impacts

67. Core Strategy policy GSP3 states that development must respect, conserve and enhance all valued characteristics of the site and building that are subject to the development proposals. Policy LC4 expects a high standard of design with particular attention being paid to scale, form and mass, building materials, landscaping, and amenity and privacy.

68. Construction of a new permanent dwelling in this prominent and isolated location would clearly have an impact on the character of this part of the national park and could not be said to conserve or enhance valued characteristics of the park. This is in part why robust appraisal of the need for agricultural workers dwellings must be carried out as the construction of new dwellings in the open countryside is only justified when the greater benefit of assisting with important land management purposes can be realised. In this case, had a genuine functional need for an agricultural workers dwelling been demonstrated, it is likely that the view would be taken that the relatively low level of harm that would be caused by the construction of a new dwelling would be outweighed by the benefits of assisting with wider land management. However, as that justification does not exist, the construction of a new dwelling here cannot be said to accord with policy GSP3.

69. The proposed dwelling would be a simple, stone built pitched roof bungalow with first floor accommodation set within the roof space. It is acknowledged that bungalows are not a traditional feature of the National Park, particularly in the open countryside. However, given the remote and elevated nature of the application site it is considered that a traditional two storey dwelling would potentially appear too prominent in the landscape. Given that there is no overriding character to the built form in the locality, and the dwelling would be set against the modern agricultural buildings, it is considered that a bungalow is acceptable in this location and would not result in any harm to the landscape character of this part of the National Park. It is considered that the windows to the gable ends are overly-numerous and result in a suburban appearance. If the general principle of the development had been acceptable then these matters would have been addressed through negotiation with the applicant, but this has not taken place as the principle is not established.

**70. Issue 4: Whether the proposals are acceptable in planning terms with regard to ecology; highway issues and impact on amenity of local residents.**

71. Impact on Amenity

72. Given that the proposed dwelling would be over 300 metres from the nearest existing dwelling in the locality, it is considered that there would be no resultant harm to residential amenity by way of overlooking, overshadowing or oppressive impacts. Furthermore as the proposed dwelling would be part of a small but established farm holding, it would not result in any intensification in activities that would result in harm to the amenity of the locality.

73. It is considered that the proposals meet with the requirements of policy LC4 with regard to impacts on residential amenity.

74. Highways

75. The proposed dwelling would utilise the existing farm access and would have parking for at least two cars. As the dwelling would provide accommodation for the farm business, it is considered that the development would not increase existing levels of traffic movements. In fact, an on-site dwelling is likely to result in a reduction in vehicular movements compared to the scenario of there being no on site accommodation. It is considered that the proposal would not be harmful to highways safety,

76. Ecology and Protected Species

77. Given that the proposed dwelling would be sited within the existing farmstead, on an area that is currently used for storage, it is considered that there would be no harm to protected species or ecological interest in this instance.

**Conclusion**

78. It is acknowledged that the farm business has grown since the previous temporary permission for a static caravan was granted. However, the submitted information clearly demonstrates that the existing scale of this farm business does not generate employment for a full time agricultural worker. As such, there is not functional need for a permanent agricultural workers dwelling as required by the adopted policies. The applicants' intentions to further development the farm business are acknowledged. However, permanent agricultural workers dwellings should only be approved when there is a genuine existing need, and not based on a forecast need in the future. In the absence of a demonstrable existing functional need, the proposal is contrary to policies HC1, HC2, LC12 and the guidance contained within the NPPF which restricts new build dwellings in isolated locations in the countryside unless they are essential for key workers.

**79. Human Rights**

80. Any human rights issues have been considered and addressed in the preparation of this report.

81. List of Background Papers (not previously published)

82. Nil

**Report Author and Job Title**

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