

**11. FULL APPLICATION – CONSTRUCTION OF NEW AGRICULTURAL DWELLING, ELIZABETHASH FARM, HAYFIELD ROAD, CHINLEY (NP/HPK/1014/1067, 28/01/2015, 404926 / 384574/AM)**

**APPLICANT: H & S FROST**

**Site and Surroundings**

Elizabeth Ash Farm is situated on the eastern side of the A624 Hayfield Road, about 2km northeast of Chinley. The land holding extends to approximately 9 hectares of farmland on which the applicants have established a pig-breeding and rearing enterprise.

The land holding is served by two modern agricultural buildings sited on the sloping ground approximately 40m east of Hayfield Road below. To the front of one of the farm buildings is an agricultural workers caravan which was granted planning permission for a temporary three year period in 2010. Access is via a steep, unmade track at the southern end of a roadside layby.

The application site is located lower down the hillside than the existing buildings and caravan on the north side of the access track, 11m to the east of Hayfield Road. The site forms a corner of the existing field and the land here slopes steeply upwards from west to east.

The nearest neighbouring property is Chinley Head Farm which is a grade II listed dwelling situated at the lower roadside level 18m west of the farm buildings and another dwelling, The Old Coach House, is situated 34m to the south west of the farm building.

**Proposal**

This application seeks planning permission for the erection of an agricultural worker's dwelling on the site. The amended plans show that a two storey, four bedroom, detached dwelling would be built on the site, constructed from natural gritstone under pitched roofs clad with blue slate. The finished floor level of the proposed dwelling would be dug into the steeply sloping site at the lowest point of the field, and the ground levels altered to step up to the higher level to the rear of the dwelling and retained with a stone wall.

Access to the proposed dwelling would be via the existing track with two parking spaces allocated adjacent to the house.

The submitted planning statement says that the proposed dwelling would be constructed to a standard in excess of Code for Sustainable Homes Level 3 which would be achieved by a combination of high specification insulation for floors, walls and roof, triple glazing, harvesting, storage and filtration of rainwater and installation of solar photovoltaic slates on the south facing roof slope.

The application proposes to remove the touring caravan from the site when the proposed dwelling is completed.

**RECOMMENDATION:**

**That the application be APPROVED subject to prior entry into a legal agreement to prevent the separate sale of land in ownership, the new house, and existing buildings and subject to the following conditions / modifications.**

- 1. Statutory 3 year time limit for implementation.**
- 2. Development not to be carried out otherwise than in accordance with specified amended plans.**

3. **Agricultural occupancy condition.**
4. **The residential caravan on site shall be removed and the land restored to its previous condition within 1 month of the first occupation of the dwelling hereby approved.**
5. **Removal of permitted development rights for external alterations, extensions, outbuildings, hard standing, walls, fences and other means of enclosure to the approved dwelling.**
6. **No development shall take place until a detailed scheme showing the finished ground levels within the site has been submitted and approved. The development shall then be carried out in accordance with the approved scheme.**
7. **No development shall take place until a detailed scheme of landscaping (including planting, earth mounding, re-seeding, walls, gates and hard standings) has been submitted and approved. The development shall then be carried out in accordance with the approved scheme and maintained in perpetuity.**
8. **Any new services to be placed underground.**
9. **Foul sewerage to be dealt with by a package treatment plan. Prior to the installation of the package treatment plant, full details of which shall have first been submitted and approved. The development shall then be carried out in accordance with the approved scheme.**
10. **Development shall be built to a minimum of the Government's Code Level for Sustainable Homes Level (or its successor) required of Registered Social Landlords at the time of commencement of the building works.**
11. **No development shall take place until a design stage assessment (under the Code for Sustainable Homes or its successor) has been carried out and a copy of the summary score sheet and Interim Code Certificate indicating that the development can achieve the stipulated final Code Level (or any such national mechanism that replaces this) have been submitted to and approved in writing by the National Park Authority.**
12. **Prior to the occupation of the dwelling hereby approved, a copy of the summary score sheet and Post Construction Review Certificate (under the Code for Sustainable Homes or its successor) shall be submitted to the Authority verifying that the agreed standards have been met.**
13. **Conditions to specify or require prior approval of architectural and design details for the dwelling including, stonework, roof materials, roof verges, rainwater goods, chimneys, window and door design and finish and solar panels.**
14. **Prior approval of space within the site for accommodation, storage of plant, materials and parking for site operative's vehicles during construction works.**
15. **Parking and turning areas to be laid and constructed prior to first occupation of the dwelling and maintained in perpetuity.**
16. **Details of bin storage space and dwell area for use on refuse collection days to be submitted and approved. The development shall then be carried out in accordance with the approved scheme.**

## **Key Issues**

- Whether the functional requirements and viability of the agricultural business are sufficient to justify the proposed agricultural workers dwelling.
- Whether the siting and design of the proposed dwelling is acceptable and would conserve the valued characteristics of the National Park including the scenic beauty of its landscape.
- Whether the development is acceptable in all other respects.

## **History**

1997: Planning permission granted for erection of agricultural building.

1999: Planning permission granted for replacement of lean-to agricultural building.

2010: Planning permission granted temporarily for the siting of residential caravan and associated works to provide temporary agricultural dwelling for a period of three years.

The Authority's Planning Committee agreed with the officer recommendation that the proposed caravan was justified on agricultural grounds and was acceptable subject to conditions limiting the permission to a temporary three year period and conditions to minimise the impact of the caravan in the landscape.

2011: Planning permission granted conditionally for construction of new agricultural building.

## **Consultations**

Highway Authority - No objections subject to conditions.

District Council - No response to date

Parish Council - Make the following comments.

The Parish Council supports the establishment and expansion of genuine farming enterprises in the parish and has no objection in principle to this application provided that it meets the tests of essential functional need and economic sustainability.

However, even if those tests are met, the Parish Council seriously question the siting of the proposed agricultural dwelling, which lies on land that slopes upwards away from the road. It is very prominent from both short and long distance public viewpoints and isolated from any existing buildings. We suggest it would be better sited much closer to the existing agricultural building, which at least benefits to some degree from existing tree screening, and to which it would be better related functionally. The Parish Council also point out that there is an existing 4 bedroom dwelling, on Hayfield Road immediately adjacent to Elizabethash Farm, which is on the market and has been for some time

## **Representations**

One representation has been received at the time this report was written. The letter objects to the proposed development. The reasons for objection are summarised below. The letter is available to read in full on the website.

- Questions the accuracy of information provided in this and previous applications at the site in regard to the type and number of stock kept.

- The labour and time required at the farm has decreased.
- Questions whether business accounts have been submitted and whether the business would support the income needed to sustain the finances of the workers which are stated to be required.
- There is property for sale adjacent to the holding which has been on sale for a considerable amount of time and could accommodate a farm worker.
- Concern that a holding of this size cannot sustain a viable business.

### **Main Policies**

Relevant Core Strategy policies: HC1, HC2, GSP1, GSP2, GSP3, CC1 and L1

Relevant Local Plan policies: LC3, LC4, LC12, LT11 and LT18

The National Planning Policy Framework (the Framework) is a material consideration and carries 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.

Paragraph 55 of the Framework makes clear that Local Planning Authority's should avoid new isolated homes in the countryside unless there are special circumstances. One of the circumstances in which isolated residential development may be justified is when there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Equally, paragraph 115 of the Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks and that the conservation of wildlife and cultural heritage are important considerations and should be given great weight in National Parks.

Policy HC1 of the Core Strategy reflects Government guidance and allows for new residential development in the National Park, exceptionally, where it provide for key workers in agriculture, forestry or other rural enterprises in accordance with policy HC2 of the Core Strategy. Policy HC2 deals with housing for key workers in agriculture, forestry or other rural enterprises and says:

- A. New housing for key workers in agriculture, forestry or other rural enterprises must be justified by functional and financial tests.
- B. Wherever possible it must be provided by re-using traditional buildings that are no longer required for their previous use.
- C. It will be tied to the land holding or rural enterprise for which it is declared to be needed.

Local Plan policy LC12 adds the detailed criteria that allow an assessment to be made of the acceptability of a proposal for housing for a key worker. LC12 permits agricultural dwellings on the basis that they are considered in relation to the needs of the enterprise and not the personal preferences of the individuals involved, and provided that certain specified criteria can be met. Amongst these criteria, the policy states that development will be permitted provided that the stated intentions to engage in or further develop farming 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 appropriate temporary accommodation.

The Authority's housing policies are supported by a wider range of design and conservation policies including Core Strategy policy L1 which requires all development to conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan. Other than in exceptional circumstances, development which will have a harmful impact will not be permitted.

Policy GSP3 of the Core Strategy and saved Local Plan policy LC4 are also directly relevant to the current application because they set out the design principles for development in the National Park, and also seek to safeguard the amenities of properties affected by development proposals, and set out criteria to assess design, siting and landscaping. The Authority's Supplementary Planning Documents (SPD) the Design Guide and the Building Design Guidance offer further advice on design issues.

Policies LT11 and LT18 of the Local Plan require new development to be provided with adequate access and parking provision but also say that access and parking provision should not impact negatively on the environmental quality of the National Park.

### **Assessment**

#### **Whether the proposed house is justified by functional and financial tests**

The main functional need for someone to live on site in this case is related to the care and management of the pigs at farrowing and the subsequent rearing of growing piglets. At each farrowing a worker stays within the building day and night for up to two days in close proximity of the newly born piglets to ensure that they are not harmed by the sow. Thereafter, the piglets need careful monitoring to ensure that they receive nourishment. Some piglets need to be hand-reared which requires attention 24 hours a day. Piglets are also subject to stress-related and viral illness and require close and constant monitoring to ensure they are reared efficiently.

Once the pig-rearing enterprise has reached its maximum level, the applicants intend that the pig herd will produce some 60 farrowings a year. Allowing 10% loss due to barren sows, the herd will produce a weekly farrowing sequence producing some 555-600 piglets per year. During the winter months (October to March) both sows and piglets will need to be housed for their welfare and to reduce damage to the land through 'poaching'.

The Authority granted planning permission in 2010 for the siting of a touring caravan on a temporary basis because it was considered that the care and management of pigs and subsequent rearing of piglets demonstrated that there was a functional need for a permanent on-site presence of one full-time worker at the holding. It was also considered that the projected increase in stock numbers and the intention to erect an additional agricultural building at the holding demonstrated a firm intention and ability by the applicants to develop the enterprise.

The applicants have subsequently secured planning permission and erected the additional agricultural building on the holding. The business plan submitted with the 2010 application forecast the number of breeding sows to increase from 7 in 2009 to a maximum of 30 by 2013. However, due to the demand for piglets in the intervening period, the agent advises that the intended number of pigs retained for breeding purposes has not been achieved and that the size of the breeding herd now stands at 25 sows (5 fewer than predicted).

Notwithstanding this, the number of sows has still grown in size since permission was granted (in 2010 there were 20 sows in the breeding herd) and it is therefore considered that the care and management of pigs and subsequent rearing of piglets at the holding still justifies a functional need for a permanent on-site presence of one full-time worker. The applicants have otherwise followed through with their stated intention to further develop the farm buildings and now also run a small flock of 28 breeding ewes on the land.

Trading accounts have been submitted in support of the application for the three years to April 2014. Officers have viewed the accounts which show that the business was in profit in all three years and made a significant profit in 2014. The agent advises that the applicant has financial reserves to cover the cost of constructing the proposed dwelling. Having viewed the trading accounts, Officers are satisfied that the agricultural business has been profitable over the past 3 financial years and that the proposed dwelling is commensurate to the need and profitability of the business.

It is therefore considered that the evidence submitted in support of the application demonstrates that the existing agricultural business passes both the functional and financial test set out by Core Strategy policy HC2 and saved Local Plan policy LC12.

There are no existing traditional buildings on the holding which could be converted to create the proposed dwelling. It has been drawn to Officers attention by the Parish Council and in representations that a four bedroom dwelling adjacent to the farm buildings is for sale. However, this property is marketed for sale at £500,000, and the farm business would not be able to afford that property, even if the sale price was substantially discounted. It is therefore considered that there are no existing properties in the local area which could meet the need of the agricultural business.

It is therefore considered that the erection of a permanent dwelling on the holding is acceptable in principle. The agent has confirmed that the applicant's would be willing to enter into a legal agreement with the Authority to ensure that the dwelling and agricultural land and buildings at the holdings cannot be sold separately. An agricultural occupancy condition would also be necessary because the proposed house is only considered to be acceptable because it has been demonstrated to be required for an agricultural worker in accordance with HC2 and LC12. Finally, a condition would be recommended to ensure that the caravan on site is removed shortly after the house is first occupied.

#### Design, siting and landscape impact

The fields here slope steeply upwards away from the highway where the existing agricultural buildings and the touring caravan are perched above the level of the highway. The proposed dwelling would be sited at the lowest point of the field in the corner adjacent to the track which runs up towards the agricultural buildings. The finished floor level of the proposed dwelling would be 'dug in' to the steeply sloping site at the lowest point of the field, and the ground levels altered to step up to the higher level to the rear of the dwelling and retained with a stone wall.

Concern has been raised by the Parish Council with regard to the proposed site for the dwelling. The Parish Council is concerned that the proposed dwelling would be visually prominent from both close and more distant views and that the dwelling would be viewed in isolation from the existing agricultural buildings. The Parish Council considers that a site further up the hill-side and adjacent to the agricultural buildings would be more appropriate.

Officers are sympathetic to the Parish Council's concerns that the impact of the proposed dwelling be minimised. However, it is considered that siting the dwelling further up the hill adjacent to the farm buildings would actually have a greater visual and landscape impact because the dwelling would 'sit up' and skyline above the roadside and would be more noticeable from the roadside and in the wider landscape.

It is considered that the proposed site would have less impact because the dwelling would be 'dug-in' to the ground levels and the land landscaped and held with a retaining wall such that part of the dwelling would effectively be below ground level. The proposed dwelling would be visible from the road, but would be read with the existing neighbouring dwellings. The proposed site would also reflect how farm workers dwellings have historically been sited along Hayfield Road, fronting onto the road and orientated to match the contours of the land.

The agent has submitted amended plans to show the proposed finish floor level which would be 200mm above the lowest level of the field by the road facing stone boundary wall. If permission is granted, conditions would be recommended to require detailed levels of the proposed garden area to be approved before any development commences to ensure that the land is appropriately graded back to minimise the impact of the development. A condition to require a detailed landscaping scheme including tree and hedge planting to break-up the impact of the dwelling when viewed from the north and dry stone boundary walls would also be recommended.

The design of the proposed dwelling is considered to be acceptable because the form and massing of the building would reflect the simple horizontal form and high solid to void ratio of traditional agricultural dwellings in the local area. The dwelling would be built from natural gritstone under blue slate roofs which is acceptable. Amended plans have been sought and received to simplify the massing of the building and to resolve fenestration details.

If planning permission is granted, conditions are recommended to agree material samples and to ensure that architectural and design specifications are of a satisfactorily high standard. A condition to remove permitted development rights for various types of domestic development would also be recommended as necessary to ensure that the Authority retains control over development which could have an adverse impact upon the visual appearance of the dwelling in this prominent rural position.

Subject to the imposition of the above conditions it is considered that the proposed dwelling would be sited in the best location on the holding where it would not have a harmful impact upon the landscape of the National Park and that the dwelling would be appropriately designed in accordance with Core Strategy policies GSP3 and L1 and saved Local Plan policy LC4.

#### Environmental management

Core Strategy policy CC1 states that development must make the most efficient and sustainable use of land, building and resources and take account of the energy hierarchy. Core Strategy policy CC1 states that a minimum sustainability standard, equivalent to that required by the Government for affordable housing by Registered Social Landlords must be achieved unless it is not viable for a particular development. This requirement is also reflected in the recently adopted climate change and sustainable building SPD.

Currently the minimum sustainability standard is level 3 in the Code for Sustainable Homes. In this case information has been submitted in support of the application which states that the proposed development would perform in excess of Code level 3. The submitted information states that this would be achieved by utilising high performance glazing and thermal insulation. The development would also utilise rain water harvesting and filtration and include integrated solar photovoltaic slates.

It is considered that the submitted information demonstrates that the proposed dwelling is capable of meeting a minimum of level 3 in the Code for Sustainable Homes and therefore that the proposed development is in accordance with Core Strategy policy CC1 and adopted SPD. If permission is granted, conditions to ensure that the development is built to a minimum of level 3 in the Code for Sustainable Homes along with conditions requiring a design stage assessment to be carried out and interim and post construction review certificates to be submitted at the relevant stages in accordance with Core Strategy policies GSP4, CC1 and paragraph 7.2.15 of the SPD would be recommended.

#### Other Issues

The proposed site is located in the corner of the field which is improved grassland. There are therefore no concerns that the proposed dwelling would have any adverse impact upon designated ecological sites or protected species or that the development would impact upon any ecological interest.

The submitted plans show that two parking spaces can be provided adjacent to the dwelling, with further spaces available in the farm yard. There is adequate space to turn so that vehicles can enter and exit the site in a forward gear. Access visibility onto the main road is sufficient in both directions. Therefore Officers have no reason to disagree with the Highway Authority's recommendation and it is considered that subject to conditions the proposed development would be unlikely to harm highway safety or the amenity of road users.

The application proposes to install a package treatment plant to deal with foul sewerage, this is considered to be acceptable because it would not be viable to connect the dwelling to the mains sewer in this case. If permission is granted a condition would be recommended to require full details of the package treatment plant to be submitted and approved in the interests of preventing pollution to the water environment.

### **Conclusion**

The current application satisfies the financial and functional tests in policy HC2 of the Core Strategy and Local Plan policy LC12. There is also an offer of a legal agreement to secure the appropriate future development of the holding to allow the current application to fully meet the requirements of Development Plan policies.

The site is considered to be the best available on the holding where the new dwelling would not have a harmful visual or landscape impact that would also meet the needs of the farm business and an appropriate design coupled with the safeguards of a legal agreement mean the current application meets the requirements of guidance within the Framework and the requirements of Core Strategy policy L1 and Local Plan policies LC4 and LC12 in terms of landscape conservation.

The proposed access to the new development would be provided with sufficient visibility to ensure safe access and egress from the site. Therefore, there are no objections to the current application on highway safety grounds. There are otherwise no objections to the proposals that cannot otherwise be dealt with by conditions such as the provision of services and environmental management.

It is therefore concluded that the proposal subject to conditions and an appropriate legal agreement complies with policies in the Development Plan, and the requirements of the Framework and is not otherwise precluded by any other material planning consideration that indicates the proposal should otherwise be refused.

Accordingly the current application is recommended for conditional approval.

### **Human Rights**

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

#### List of Background Papers (not previously published)

Nil