

8. FULL APPLICATION – ERECTION OF AN AGRICULTURAL WORKERS DWELLING – CLEULOW CROSS, WINCLE (NP/CEC/0919/1034, MN)

APPLICANT: MR TURNOCK

Summary

1. The application proposes a four-bedroom agricultural workers dwellinghouse in a field adjacent to the farmstead.
2. There is insufficient agricultural justification for the dwellinghouse in the terms set out by adopted planning policies HC2 and DMH4.
3. Further, the proposed siting of the dwellinghouse would adversely affect the appearance of the landscape due to its encroachment in to the countryside, contrary to policies L1 and DMC3.
4. The detailed design of the dwellinghouse also fails to appropriately reflect or compliment local building traditions, as require by planning policy DMC3.
5. Whilst the applicant has suggested that they are prepared to incorporate carbon reduction and energy efficiency measures in to the development, none form part of the proposal and it is therefore contrary to policy CC1.
6. On this basis, and having concluded that there are no other planning policy or material considerations that indicate that planning permission should be granted, the application is recommended for refusal.

Site and surroundings

7. Cleulow Cross is a working farm, located in open countryside approximately 2.4km north of Wincle and immediately adjacent to the A54. It is located close to the National Park boundary, which is approximately 150m west of the site.
8. The farm complex comprises a traditional farmhouse, an agricultural workers dwelling and associated traditional and modern outbuildings. The farm entrance is directly off the A54, with a separate field gate accessing the holding from Hollins Lane to the north.
9. The main farmhouse is occupied by the applicant's parents, who manage the farm, whilst it is understood that the applicants uncle lives in the existing agricultural workers dwelling. Whilst he does not physically work the farm we are advised that he deals with farm administration.
10. The applicant and his family currently live in a static caravan within the farmyard, and we are advised that they have been doing so for the last three years. The occupation of the caravan as a dwelling is unauthorised, and this matter has been referred to the Authority's Monitoring and Enforcement team for further investigation and action as necessary.
11. The site lies within the upland pastures of the South West Peak, which is characterised by an undulating landscape with dispersed gritstone farmsteads and permanent pasture of various shaped small to medium sized fields enclosed by gritstone walls and some thorn hedgerow.

12. There are no other properties immediately adjacent to the application site, with the closest residential dwellings being approximately 300m to the south east and 400m to the north west.
13. The site is outside of any conservation area.

Proposal

14. To erect an agricultural workers dwellinghouse on land to the north of the farm complex. The property would be a four-bedroom two-storey building, constructed with gritstone walls under a slate roof and with uPVC windows. The property would be accessed through the existing farm.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

1. **The proposals fail to demonstrate the essential need for a further agricultural dwelling on the site, contrary to policies HC2 and DMH4.**
2. **By virtue of the proposed siting outside of the existing building group, and the proposed scale and massing, the development would fail to conserve the appearance of the landscape as required by policies L1 and DMC3.**
3. **The development fails to demonstrate how it will achieve the highest possible standards of carbon reductions and water efficiency, contrary to Core Strategy policy CC1.**
4. **The detailed design of the dwellinghouse fails to reflect or complement the style and building traditions of the locality, contrary to policy DMC3.**

Key Issues

15. Whether the principle of conversion accords with the planning policies of the Development Plan
16. Whether the development would have acceptable landscape impacts

Recent Planning History

2016 – Pre-application advice sought in relation to providing a further dwelling on the site through either conversion of an existing building or provision of a new one. The enquirer was advised that a dwelling could only be supported if there was an essential functional need for a further agricultural workers dwelling at the site and that any forthcoming application should be supported by a formal Agricultural Appraisal to establish whether this exists. They were also advised of the need to see Audited Accounts for the farm business for the previous three years, to determine that the business is viable and that the profit from the business as opposed to turnover is such, that it can sustain the ongoing cost of the dwelling. In terms of the proposed dwellinghouse itself, they were advised to further consider the conversion of an existing agricultural building, and advised of the landscape conservation policies were they to pursue a new buildn dwelling instead.

2015 – Planning permission granted for an agricultural building for general farm use, as well as for use for a vehicular maintenance and repair business operated by Mr Turnock.

1995 - Planning permission granted for the erection of agricultural workers dwelling.

Consultations

17. Highway Authority – No highway objections, and confirm that the development does not appear to affect a public right of way.
18. Parish Council – Support the application on the grounds that housing is needed for local agricultural workers.

Representations

19. No letters of representation have been received at time of writing.

Main policies

20. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, HC1, HC2, CC1
21. Relevant Development Management Plan policies: DMC3, DMH4, DMC14, DMT8

National Planning Policy Framework

22. The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. 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 the Development Management Policies document 2019. 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.
23. 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.'

Development plan

24. Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.
25. Core Strategy policy DS1 outlines the Authority's Development Strategy, and states that the majority of new development will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside.

26. 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.
27. 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.
28. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
29. Core Strategy policy CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy, to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.
30. Development Management policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
31. Development Management policy DMH4 further details criteria for essential worker dwellings. It states that the need for a worker dwelling to support agriculture, forestry or other rural enterprise businesses will be considered against the needs of the business concerned and that development will be permitted by conversion or new build provided that:
 - (i) 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
 - (ii) stated intentions to engage in or further develop the business are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. The Authority will require financial evidence that:
 - a) the business has been operating for at least three years; and
 - b) the business is currently profitable; and
 - c) it has been profitable for at least one of the last three years; and
 - d) the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling; and
 - e) the ongoing costs associated with the dwelling linked to the landholding reflect the actual and potential income that might be generated from the landholding; and

- (iii) there is no accommodation available in the locality that could enable the worker(s) to be readily available at most times, day and night, bearing in mind current and likely future requirements; and
 - (iv) where a new building is proposed, there is no traditional building that could be converted for use as a worker dwelling, within or close to the main group of buildings, in line with other policies and guidance on siting and design; and
 - (v) where conversion of existing buildings is not an option, construction costs of new buildings reflect the likely sustainable income of the business; and
 - (vi) the new building is within or immediately adjacent to the site of the existing building group and enhances the building group when considered in its landscape setting; and
 - (vii) the new building is smaller than any house in the building group that is already under the control of the business and in accordance with policy DMH5, unless an acceptable landscape and building conservation outcome for the building group and the setting can only be achieved by a bigger building.
32. Development Management policy DMC14 addresses pollution and disturbance. It states that development that presents a risk of pollution or disturbance including soil, air, light, water or noise pollution, or odour that could adversely affect any of the following interests will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits:
- (i) the amenity of neighbours and neighbouring uses; or
 - (ii) the amenity, tranquility, biodiversity or other valued characteristics of the area; or
 - (iii) existing recreation activities; or
 - (iv) extensive land uses such as forestry and agriculture; or
 - (v) ecosystem services including water supply, groundwater resources and the water environment; or
 - (vi) established businesses; or
 - (vii) potential future uses of the land; or
 - (viii) any nuisance,
33. Development Management policy DMT8 states that off-street parking for residential development should be provided unless it can be demonstrated that on-street parking meets highways standards and does not negatively impact on the visual and other amenity of the local community. It notes that the design and number of parking spaces must respect the valued characteristics of the area, particularly in conservation areas.

Assessment

Principle of development

34. Policy HC2 requires that any new housing for key workers in agriculture be justified by functional and financial tests. Policy DMH4 reinforces this requirement and provides greater detail as to what will be required. Each of the requirements detailed by policy DMH4 is taken in turn below (set out in italics) in relation to the current proposals:
- (i) *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;*
35. A detailed agricultural appraisal has not been submitted in support of the application. As a result we are unable to determine what the labour requirements for the farm amount to, or how many workers need to be available on the farm at most times of the day or night.

36. Even if this information was available, however, the applicants circumstances do not demonstrate that they are currently fulfilling – or are required to address – an essential need to be available to work on the farm at most times of day or night.
37. The submission advises the applicant runs an agricultural machinery repair business from the farm, based from an agricultural building on the site. The submitted Design and Access Statement states that “It is down to the commitment of working as a mechanic on site and helping out around the farm during busy periods that it is necessary for our client to have a permanent home on site.”
38. A letter of support from the applicants father, who it is understood is the main worker on the farm, states that the applicant spends at least 25% of his time working on the farm, repairing machinery and undertaking general maintenance. The letter advises that the applicant also helps with much spreading, bale carting, stock moving, and helping to calve difficult cows and lambing sheep.
39. This demonstrates that working at the farm represents only secondary employment for the applicant and cannot be concluded to amount to an essential functional need to be readily available at the farm at most times, day and night. The development is therefore contrary to this part of policy DMH4.
40. There are already two existing dwellings at this site. As stated above, we do not have a detailed agricultural appraisal so it is difficult to say for certainty what the labour demand of the farm business is. However, there is absolutely no evidence that the two existing dwellings cannot meet the needs of the farm business for workers who need to be on site most of the time. As such, no functional need for a third dwelling at the site has been demonstrated.
- (ii) stated intentions to engage in or further develop the business are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. The Authority will require financial evidence that:*
- a) *the business has been operating for at least three years; and*
41. The application doesn’t address this, but it is clear from the planning history of the site that the farm business has been established for at least this period.
- b) *the business is currently profitable; and*
42. Financial accounts have been requested but the applicant is not prepared for these to be published as even outline figures. As a result, for reasons of transparency in decision making, they cannot be taken in to account as part of the consideration of the application. A letter has been received from the applicants accountants (which the applicant has agreed to allow publication of), stating that they have acted for the applicant for many years, that profit amounts have been consistent over the years, and that the profits should be adequate to sustain another property. It gives no breakdown of profits however, and it is therefore not considered that this conclusively demonstrates that the farm business is currently profitable, as required by this part of policy DMH4.
- c) *it has been profitable for at least one of the last three years; and*
43. The submitted accountants letter indicates that to be the case, but due to the lack of any profit breakdown it is again inconclusive.
- d) *the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling; and*

44. The submitted accountant's letter indicates that to be the case, but there is no indication as to what profit levels or build costs this conclusion is based on. It is therefore again inconclusive.

e) *the ongoing costs associated with the dwelling linked to the landholding reflect the actual and potential income that might be generated from the landholding; and*

45. The submitted accountant's letter indicates that to be the case, but there is no indication as to what ongoing costs this is based on. It is therefore again inconclusive.

46. In summary, and in relation to DMH4(ii) as a whole, the lack of evidence of the financial standing of the farm business means that the proposals are contrary to this part of the policy.

(iii) there is no accommodation available in the locality that could enable the worker(s) to be readily available at most times, day and night, bearing in mind current and likely future requirements; and

47. The submitted Design and Access Statement addresses alternative accommodation, advising that the functional need for accommodation is on the application site and therefore there are no properties which are sufficiently close to the land and buildings to meet the functional requirements, particularly during lambing. It notes that the site is quite rural, with nearby towns being at least 7 miles away. It also notes that properties currently for sale nearby with 4 bedrooms are priced between £250,000-£300,000.

48. No evidence of this property search has been provided, nor evidence of a search for smaller properties, nor evidence that £250,000 would not be affordable to the applicant.

49. However, if the contention that the applicant needs to be readily available at most times of day and night to work on the farm was accepted, we recognise that the distance of this alternative accommodation from the farm would be problematic.

50. It is not accepted that the applicant needs to be readily available at most times of day and night to work on the farm though, and as such there is no evidence that other properties in the locality could not provide them with housing. The proposals are therefore contrary to this policy requirement.

(iv) where a new building is proposed, there is no traditional building that could be converted for use as a worker dwelling, within or close to the main group of buildings, in line with other policies and guidance on siting and design; and

51. There are existing traditional agricultural buildings on the site, and the 2016 enquiry initially stated that it would be possible to convert these to a dwelling. However, during the course of the enquiry they indicated that their conversion could not in fact meet their need due to a lack of amenity space and the relationship to the working farm. Officers encouraged the applicant to investigate this option further, but this has not been taken forward.

(v) where conversion of existing buildings is not an option, construction costs of new buildings reflect the likely sustainable income of the business; and

52. As detailed above, this has not been sufficiently evidenced, contrary to this policy requirement.

(vi) the new building is within or immediately adjacent to the site of the existing building group and enhances the building group when considered in its landscape setting; and

53. As discussed in the 'Siting of the dwelling' section of this report below, the development would detract from the landscape setting of the farm, contrary to both this policy requirement and the further landscape conservation policies of the Development Plan.

(vii) the new building is smaller than any house in the building group that is already under the control of the business and in accordance with policy DMH5, unless an acceptable landscape and building conservation outcome for the building group and the setting can only be achieved by a bigger building.

54. Whilst the property would be smaller than the main farmhouse, it would be larger than the farmworkers dwelling already present on the site, contrary to this policy requirement.

55. On the basis of all of the above, the proposals fail to demonstrate the essential need for a further agricultural dwelling on the site or to comply with the other requirements of policies HC2 and DMH4, and is therefore unacceptable in principle.

Siting of the dwelling

56. The proposed dwelling would be located in a field adjacent to but outside of the extent of the built development of the farm.

57. The rationale for this position is that it would sit alongside a previously approved farm building – approved in 2015. Whilst that building, as approved, also projects in to the field beyond the existing farm boundary, only half of it has been constructed to date. The half built part is within the existing farm group, and the Authority has no control over whether or when the additional part of the farm building might be constructed.

58. If completed, it would project in to the fields outside the existing farmstead boundary but would better relate to the existing farm group than the proposed freestanding dwelling would, as a result of being an extension of the existing building.

59. The proposed building is of substantial size with a length of 11m, a gable width of 7.5m, and a ridge height of 8.5m and would be a prominent feature in for the landscape where visible from Hollins Lane to the north and east, at its closest point at a distance of approximately 100m.

60. Whereas planting often serves to minimise the impacts of development, here the existing tree and shrub cover would actually serve to make the development appear more isolated, as it would screen much of the farm behind the proposed dwelling from view when viewed from Hollins Lane, making it appear more remote from the existing development on the site.

61. Overall, in views from Hollins Lane the house would appear as an encroachment in to the open countryside and removed from the farm grouping – particularly so if the farm building subject of the extant permission is not completed, or until such time that it is.

62. On this basis it would detract from the appearance of the landscape, contrary to policies L1 and DMC3.

63. We have encouraged the applicant to consider other locations within the existing building group which might have lower landscape impacts, and to consider conversion of existing buildings, but they have advised that they want the proposals to be considered as submitted.
64. The applicant's agent has advised that the applicant would be prepared to make some concession on the size of the property but advises that with two children they would still require a family sized house with at least three bedrooms. In this location, the impacts of reducing the property in size by what would be only a relatively modest amount is unlikely to result in significantly reduced landscape impacts. In any case, no amended plans showing a reduction in the size of the property have been submitted for consideration.

Design and appearance of the dwelling

65. The proposed dwelling broadly follows the form and materials of traditional dwellings in the locality. The gables are somewhat wide and design details including the windows and porch would require revision in order to represent an appearance that would conserve the appearance of the built environment.
66. If the development was acceptable in other regards then these matters could be addressed through amendments to the proposed plans in order to ensure the development complies with policy DMC3 and follows adopted design guidance. As the application stands however, these details mean it fails to reflect or complement the style and traditions of the locality and is therefore in conflict with policy DMC3.

Highways

67. The highway authority have raised no concerns relating to an intensification of use of the existing access, and there is sufficient parking and turning space for vehicles within the site.
68. The development therefore raises no concerns on grounds of highway safety and complies with policy DMT8.

Climate change mitigation

69. The application provides no details of how it would follow the energy hierarchy and achieve the highest standards of carbon reduction and energy efficiency, as required by policy CC1.
70. The applicant's agent has subsequently advised that they would prepare a climate change mitigation statement, and would be prepared to integrate solar panels in to the build. They also advise that the building would be constructed from re-used stone and that the provision of a dwelling on the site would reduce carbon emissions associated with travel to and from the site for work that the applicant would otherwise need to do.
71. No further information has been submitted at time of writing however, and so in the absence of any such proposals the application cannot be concluded to demonstrate the highest standards of carbon reduction and water efficiency, and is contrary to policy CC1.

Amenity

72. Due to the remote nature of the site the dwelling would not affect the amenity of any independent property. It would be positioned relatively close to the existing agricultural workers dwelling on the site, with some potential for overlooking.

73. However, if permission was granted it would be necessary to tie the new dwelling to the existing farm holding by legal agreement (to ensure it remained available for occupation in support of the farm business) and so there would be no concerns about the two dwellings being taken in to separate control.
74. On that basis, the amenity impacts are considered acceptable, and accord with policy DMC3.

Alternative options

75. We have suggested that the applicant might be better to pursue an application for an ancillary dwelling at the site, given that they do not have an essential need to live there that would justify an independent dwelling.
76. The applicant's agent has advised however that the applicant is seeking a dwelling for independent occupation and that would be in their sole ownership. This would actually fail to comply even with the requirements for a farmworkers dwelling set out by policy HC2, which requires the dwelling to be tied to the landholding. And it certainly wouldn't represent an ancillary dwelling as defined by policy DMH5 that could reasonably be tied to the main farmhouse.

Conclusion

77. There is no justification for the provision of an additional farm workers dwelling on the site in the terms set out in adopted planning policies HC2 and DMH4.
78. In addition, the proposed siting of the dwelling proposed would have adverse landscape impacts, contrary to policies L1 and DMC3.
79. Further, the development proposes insufficient climate change mitigation measures to comply with policy CC1.
80. There are no other planning policy or material considerations that indicate that planning permission should be granted and so the application is therefore recommended for refusal.

Human Rights

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

List of Background Papers (not previously published)

82. Nil
83. Report Author: Mark Nuttall, Senior Planner (South)