

**6. FULL APPLICATION - PROVISION OF EDUCATION SUITE AND ANCILLARY ACCOMMODATION TO FACILITATE DIVERSIFICATION OF FARM ACTIVITIES AT HIGH LEES FARM, NEW ROAD, BAMFORD (NP/HPK/0817/0832, P.10149, 421556 / 383751, 23/08/2017, ADM)**

**APPLICANT: MR & MRS MAY**

**Summary**

1. This application was considered by the Planning Committee in June 2018, with the Committee resolving to approve it subject to a number of planning conditions and, crucially, to the signing of a Section 106 agreement to secure the long-term management of the land associated with application site at High Lees Farm. However, it has not been possible for the applicants to sign the agreement because part of the land holding is owned by a pension company.
2. Discussions have taken place since the Planning Committee meeting in June 2018 to find a resolution to the issue. This report sets out what has been discussed and recommends approval on that basis.
3. The Planning Committee report from the meeting in June 2018 is attached as an appendix to this report as information so this report does not set out the proposal, planning policies and issues in detail, but focusses on the issues relating to the Section 106 agreement.

**RECOMMENDATION:**

**That the application be APPROVED subject to prior entry into a S106 legal agreement to tie the education suite and ancillary accommodation to the revised schedule of land and buildings at High Lees Farm and subject to the following conditions:**

1. Statutory time limit for implementation.
2. No development shall commence until development phasing plan has been submitted and approved. Development to be carried out in accordance with approved details.
3. No development shall commence until construction management plan has been submitted and approved. Development to be carried out in accordance with approved details.
4. Travel plan to be submitted and approved prior to be first occupation of the education suite and ancillary accommodation.
5. Landscape scheme to be submitted, approved and implemented prior to the first occupation of the development.
6. Submit and agree sample of roof material and sample panel of stonework for education suite and ancillary accommodation together with details of paving and surfacing materials.
7. The package treatment plant shall be installed prior to the first occupation of education suite and ancillary accommodation.

8. **The parking and manoeuvring areas shall be laid out, constructed and available for use prior to the first occupation of the education suite and ancillary accommodation and shall be permanently so maintained.**
9. **Development shall not be carried out other than in accordance with recommendations of submitted protected species survey report.**
10. **Restrict use specifically to education suite and accommodation all ancillary to High Lees Farm and to be retained within a single planning unit.**
11. **Restrict residential accommodation to holiday accommodation only.**
12. **Restrict the maximum number of guests to no more than 16 at any time.**
13. **Restrict the use of agricultural buildings for the purposes of agriculture only.**
14. **Remove agricultural buildings when no longer required for the purposes of agriculture.**
15. **Remove permitted development rights for alterations and extensions from residential accommodation.**
16. **Specification of colour finish for sheeting and doors to agricultural buildings.**

### **Key Issues**

4. As noted in the summary above, this application was considered by the Planning Committee in June 2018, with a resolution to approve the application subject to a number of conditions and to the prior signing of a Section 106 legal agreement to secure the long-term management of the land associated with High Lees Farm. The Committee minute, 74/18, was as follows:

*“Members had visited the site on the previous day. The Officer introduced the report and reported an amendment to Condition 6 to include details of paving and surfacing materials.*

*The following spoke under the Public Participation at Meetings Scheme: Ms Kate May, Applicant*

*Members were impressed with the ambitious nature of the project and that the applicant had engaged with the Authority from the very beginning and were pleased that the farm was being brought back into use.*

*The Officer recommendation to approve the application, subject to an amendment to Condition 6 was moved, seconded, put to the vote and carried.*

**RESOLVED:**

*To APPROVE the application subject to prior entry into a S106 legal agreement to tie the education suite and ancillary accommodation to the land and buildings at High Lees Farm, and subject to the following conditions.*

1. *Statutory time limit for implementation*
2. *No development shall commence until development phasing plan has been submitted and approved. Development to be carried out in accordance with approved details.*

3. *No development shall commence until construction management plan has been submitted and approved. Development to be carried out in accordance with approved details.*
  4. *Travel plan to be submitted and approved prior to be first occupation of the education suite and ancillary accommodation.*
  5. *Landscape scheme to be submitted, approved and implemented prior to the first occupation of the development.*
  6. *Submit and agree sample of roof material and sample panel of stonework for education suite and ancillary accommodation together with details of paving and surfacing materials.*
  7. *The package treatment plant shall be installed prior to the first occupation of education suite and ancillary accommodation.*
  8. *The parking and manoeuvring areas shall be laid out, constructed and available for use prior to the first occupation of the education suite and ancillary accommodation and shall be permanently so maintained.*
  9. *Development shall not be carried out other than in accordance with recommendations of submitted protected species survey report.*
  10. *Restrict use specifically to education suite and accommodation all ancillary to High Lees Farm and to be retained within a single planning unit.*
  11. *Restrict residential accommodation to holiday accommodation only.*
  12. *Restrict the maximum number of guests to no more than 16 at any time.*
  13. *Restrict the use of agricultural buildings for the purposes of agriculture only.*
  14. *Remove agricultural buildings when no longer required for the purposes of agriculture.*
  15. *Remove permitted development rights for alterations and extensions from residential accommodation.*
  16. *Specification of colour finish for sheeting and doors to agricultural buildings.”*
5. Following the Planning Committee meeting Officers engaged with the applicants to agree the details of the Section 106 agreement which would have included 41.5 hectares of land within a Whole Farm Plan (WFP), but it became apparent that the applicants could not legally include all the land holding associated with High Lees Farm within the legal agreement as they do not have control over all the land initially identified. Out of a total area of 41.5 hectares, 11 hectares are owned by the applicants and the remaining 30.5 hectares are owned by a pension company, although this land is managed by the applicants. Consequently, there was concern that the revised WFP covered by the section 106 agreement would only guarantee the long-term management of the 11 hectares owned by applicants and would not secure any conservation benefits for the remaining 30.5 hectares; this is not the case, as is explained below.
6. As three years have now elapsed since the resolution in 2018, the application is being brought back to Planning Committee to recommend a revised Section 106. It is understood that the pension fund trustees would accept obligations that benefit their land but not obligations that fetter it, so as is explained below, all but 2.6 hectares of the farmland would in fact be covered by the WFP. For clarity, the Section 106 would have required positive conservation measures on the land (which the pension fund trustees can accept) but it would also have fettered their ability to dispose of land, which their legal obligations as trustees would prevent them from agreeing.
7. In addition to this, the original application identified 4.5 hectares of land edged red that is owned by a pension fund and which was included in the original WFP. In discussion, the applicants' agent has pointed out that 1.9 hectares of that made no contribution to the income elements of the original WFP as it is steeply sloping and has been planted with trees since the planning process commenced. He therefore suggests that in real

terms the difference between the original WFP and the revised WFP is only the 2.6 hectares of land owned by the pension fund. He therefore considers that the revised WFP demonstrates that the proposal remains financially viable without that land and that the diversification uses remain subordinate to the farm business. They therefore propose that the obligation in respect of disposal in the Section 106 Agreement only binds the land hatched green on the submitted plan. Officers consider this to be acceptable.

8. The draft Section 106 Agreement contains provisions relating to the management of woodland (land hatched blue equating to 26 hectares) including an obligation to erect stock proof boundaries by 31 January 2022.
9. The applicants' agent also sets out the following additional land management measures to be included in the Section 106 Agreement:
  - i. To repair/reinstate as necessary the drystone wall between points A, B and C (as marked on the attached plan)*
  - ii. To repair/reinstate as necessary the drystone wall between points C and D (as marked on the attached plan)*
  - iii. To repair the drystone walls or install stock proof fencing where necessary between points C, E and F (as marked on the attached plan)*
  - iv. To erect a stock proof fence between points F, G and D (as marked on the attached plan)*
  - v. To review and implement the recommendations of the Soil Survey for the 22 September 2020 on the land edged green (11 hectares) and the land hatched red and edged by a black dashed line (2.9 hectares). From these recommendations the farm will undertake the following to all permanent grassland fields by 31 March 2022,*
    - Use of an aerator to relieve surface compaction and improve aeration to help improve water percolation and reduce run off.*
    - Application of ground lime to return soil to an optimum pH and promote efficient use of nutrients by the crop and improve soil biodiversity.*
    - Over-seeding existing grassland swards with legumes such as clovers, trefoils and vetches to encourage deeper rooting, nitrogen fixation, increased production of diverse root exudates encouraging soil micro and macro-fauna.**The overall aim of the soil biodiversity regime is to reduce the use of organic and chemical fertilisers on the land".*
10. These specific proposals are considered to be beneficial conservation works that would enable sustainable farming on the site.
11. Overall, the scheme for the buildings (which is unaffected by the revised section 106) would enhance the group of buildings at the farm which would lead to landscape and biodiversity enhancements. The design of the proposed development is considered to be of a high standard and in accordance with the Authority's design guide.
12. Since the application was considered in June 2018 the Authority has adopted the Development Management DPD, replacing the Local Plan 2001. However, there were no fundamental changes in policy that would change the Authority's approach to this particular development.

### **Conclusion**

13. We have considered the proposed revisions to the Section 106 agreement in the light of the original proposal and resolution. Taking into account the constraints on the applicants in that they do not have ownership and control of some of the holding, the proposed revised section 106 agreement is considered to be acceptable as it would still

achieve the substantial majority of what was set out when the application was originally considered in 2018. Even on the small section of pension fund-owned land that would not be within the section 106 agreement and WFP, there is no reason to believe that this will not be managed sympathetically, but the legal constraints mean that this cannot be guaranteed.

14. On this basis the planning merits of the application, as set out in the Planning Committee report in 2018, particularly paragraphs 9.7 to 9.16, remain relevant and valid.
15. In the absence of any further material considerations, the proposed development is considered to be in accordance with the development plan. Accordingly, the proposal is recommended for approval subject to the prior entry into a legal agreement and subject to planning conditions set out above.

### **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

### **Appendices:**

Appendix 1:

Report on NP/HPK/0817/0832 to Planning Committee meeting held on 15 June 2018.

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