

8. FULL APPLICATION - DEMOLITION OF EXISTING BUILDING AND ERECTION OF RURAL WORKERS DWELLING AT WHITE PARK BARN, ALSOP ROAD, PARWICH, (NP/DDD/0424/0361, SC)

APPLICANTS: BEN AND JESSICA CHADFIELD

Summary

1. The application seeks planning permission for the construction of a farm workers dwelling on land north west of the main group of farm buildings at White Park Barn, Parwich.
2. Policy supports this type of development in principle, provided the applicant can demonstrate that there is a genuine and essential functional need for the dwelling, including financial evidence that the business is currently profitable and sustainable.
3. The evidence provided in support of this application does not meet these criteria. Consequently, the principle for the erection of a dwelling has not been established.
4. The application is therefore recommended for refusal.

Site and Surroundings

5. The application site is a triangular shaped parcel of land located on the outskirts of Parwich approximately 300 metres to the west of the village Conservation Area boundary.
6. It is set back from the road around 30m and at a higher level. A triangular copse of trees and roadside hedging helps in part to shield the development site from the highway.
7. Access to the site is along an unmade track directly off Dam Lane, which also serves as a Public Right of Way (PRoW).
8. A range of modern agricultural buildings (in the applicant's ownership) are sited on land around 70 metres south east of the proposed new dwelling. The main entrance to these buildings and farmyard is accessed directly from the highway (Dam Lane). The farmyard can also be gained by footfall from the adjacent PRoW at the northern boundary of the farm.
9. There is a group of farm buildings (in separate ownership to the applicants) sited on the opposite side of Dam Lane, approximately 80m south west of the development site.

Proposal

10. Planning permission is being sought to demolish an existing timber structure and timber poles from the development site and erect a two-storey three-bed detached farm workers dwelling, with two parking spaces and garden areas contained within a triangular parcel of land.
11. Amended plans have since been received which have revised the form and design of the dwelling, showing a more traditional building approach. These amended plans now form part of the current scheme.

RECOMMENDATION:

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

1. **The application does not demonstrate that there is an essential functional need for the proposed development or that the development would meet the financial test to justify an agricultural worker dwelling on the site, contrary to Core Strategy policy HC2 and Development Management policy DMH4.**
2. **The applicant has not provided sufficient evidence to demonstrate that construction costs of a new dwelling would be commensurate with the established functional requirement and likely sustainable income of the current farming business, contrary to Core Strategy policy HC2 and Development Management policy DMH4.**

Key Issues

- The principle of development.
- Scale, design and external appearance.
- Impact on the character and appearance of the locality.
- Residential amenity.
- Highways safety.

Relevant History

2021 - Erection of cattle shed. Approved.

2017 - Additional livestock building & extension to existing agricultural building. Granted.

2013 - Agricultural building. Granted

Consultations

12. Highway Authority – No objections.
13. Parish Council – Supports the application on the grounds that it would be beneficial to the farming economy and housing stock in the village.

Representations

14. There are four letters of support for the application. In summary:
 - The design of the dwelling would be modest and appropriate to the landscape.
 - Would assist with the husbandry of the farm animals.
 - Would allow the applicants to live close to the farm and livestock.
 - Would be a welcome addition in providing housing stock for a young family.
 - Would allow the applicants to take the existing business forward enabling the commercial interest to grow to its full potential.
15. One letter from the Ramblers (Derbyshire Dales Group) - Asserts that the adjacent PRoW should remain unaffected at all times during and after development and that consideration should be given to the safety of the public using the PRoW both during and after any proposed works.

Statutory Framework

16. 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:
- a) Conserve and enhance the natural beauty, wildlife and cultural heritage.
 - b) Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public.
17. 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.
18. In the National Park, the development plan comprises the Authority's Core Strategy and the new Development Management Policies (DMP). These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.
19. This application must be determined in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, HC2, CC1

Development Management policies: DMC3, DMH4, DMH11, DMT3

Supplementary Planning Documents:

- Building & Design Guidance, 1987, 2007, 2014.
- Climate Change and Sustainable Buildings.

National Planning Policy Framework (NPPF)

20. The National Planning Policy Framework (NPPF) is a material consideration. Development plan policies relevant to this application are up-to-date and in accordance with the NPPF and therefore should be given full weight in the determination of this application.

Section 15 sets out guidance for conserving and enhancing the natural environment.

21. Para: 182 states, that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

Section 5 sets out guidance for delivering a sufficient supply of homes.

22. Para: 84, states amongst other things, that planning policies and decisions should avoid the development of isolated homes in the countryside, unless (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
23. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Development Plan Policies

Core Strategy

24. GSP1 requires that all development is consistent with the National Parks legal purpose and duty, to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; Policy GSP3 sets out development management principles in line with GSP1.
25. GSP2 states that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon.
26. GSP3 requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park. GSP3 also specifically states that attention will be given to (k) adapting to and mitigating the impact of climate change, particularly in respect of carbon emissions, energy and water demand.
27. DS1 supports the development of renewable energy infrastructure in principle.
28. L1 seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
29. HC2 states amongst other things, that new housing for key workers in agriculture must be justified by functional and financial tests
30. CC1 sets out that development must make the most efficient and sustainable use of land, buildings and natural resources. Development must also achieve the highest possible standards of carbon reductions.

Development Management Policies

31. DMC3 reiterates, that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
32. DMH4 states 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.
33. DMH11 is clear that where planning conditions cannot achieve the desired outcome of ensuring worker dwellings are tied by the business, the applicant will be required to enter into a Section 106 Agreement that will restrict the occupancy of all properties in perpetuity in line with policy DMH4.
34. DMT3 states that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.

Assessment

Principle of the development

35. Core Strategy policy HC2 – (*Housing for key workers in agriculture, forestry or other rural enterprises*) states amongst other things, that new housing for key workers in agriculture must be justified by functional and financial tests.
36. In addition, Development Management Policy DMH4 – (*Essential worker dwellings*) 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. 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:
 - the business has been operating for at least three years; and
 - the business is currently profitable; and
 - it has been profitable for at least one of the last three years; and
 - the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling; and
 - 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
37. (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
38. (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
39. (v) where conversion of existing buildings is not an option, construction costs of new buildings reflect the likely sustainable income of the business; and
40. (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
41. (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.
42. B. Where there is uncertainty about the financial sustainability of an otherwise acceptable proposal, permission may be granted for an appropriately coloured caravan or other temporary accommodation.

43. The application site lies in open countryside, where there are strong restrictions on new build development and only allowed under exceptional circumstances. One circumstance permitted by policies HC1 and HC2 is where housing is required to meet the need of a key rural worker.
44. Where it is permitted under Policy HC2 & DMH4 of the Authority's Development Plan, there has to be clear evidence justified by functional and financial tests. These are set out in the following report.

Background

45. According to the submitted appraisal, the applicants currently live in Hulland Ward which is approximately 8 miles away from the farm and would take around 20 minutes travel by car.
46. In inclement weather the applicants have not been able to access the farm which has given rise to animal welfare issues. Given the level of stocking, requirement for critical care of livestock, security and unsociable hours associated with the 'Petting Farm' (mini farm) business this is not considered tenable and the applicants would like to pursue on-site accommodation having been unable to afford a dwelling locally.
47. In this case, the applicants have submitted information concerning the farming enterprise, which is based on not only the cattle and sheep rearing activity, but also a petting farm which is run from the site in Parwich. The applicants also have a fencing business based in Ashbourne supplying fencing for Equine, Domestic, Agricultural & Industrial uses.

The current farming business

48. The current agricultural holding comprises 108 acres (43.7 Hectares) of land. 12 acres of this is owned by the applicant at White Barn Farm, with a further 39 acres of rented/family owned land adjoining the land around the farm. The remaining rented land is located at Hulland Ward (50 acres) and Ashbourne (7 acres).
49. The applicants run a 20 head herd of White Park beef suckler cow, a flock of 70 Texel ewes, with a calf rearing enterprise of 30 head per annum.
50. Cattle are finished at around 30 months, occasionally cattle would be sold as stores, with the applicants rearing their own replacements. The suckler cows calve in a single block between January to March. Following calving the applicants utilise shed space to rear up to 30 head of 2–3-day old dairy cross beef calves.
51. With regard to the sheep enterprise. These are lambed inside mid-February into April every year. Meat is sold locally direct to residents' doors in meat boxes, surplus is sold as fat lambs at local market.
52. All land is down to permanent grass, with fodder primarily bought in. Depending on grass growth the farming business utilises the field opposite the farm buildings for wrapped silage/haylage should this be available (as was the case for the 2022/2023 harvest).
53. There are three modern agricultural buildings located at White Park Barn, in addition to a range of smaller timber and stone buildings associated with the mini farm, of which a small element is used as part of the commercial sheep enterprise (infirm sheep and lambs).

54. There is also a large range of farm machinery that is owned by the applicants in regard to the farming business and practice.

Petting Farm business (Mini Farm)

55. According to the submitted Appraisal 'The Petting Farm' have a range of animals which comprise; rabbits, guinea pigs, chickens and hatching chicks, pygmy goats, pigs/piglets, lambs a lama, donkey and miniature ponies.
56. 'The animals are transported during school term time to schools through the country. This requires having livestock loaded from 5am with destinations ranging from London to Leeds. Typically, not arriving back until 7pm when petting animals then need to be housed and fed.
57. The care associated with these animals is not insignificant and has to be carried out outside the transportation periods with journeys of up to three hours each way and at unsociable times. Consequently, levels of care in terms of inspection, treatment, feeding, dealing with emergencies are required.

Security

58. In this regard the applicants state, that the site has fallen victim to break ins and thefts in the past, therefore a permanent onsite presence would be essential in deterring potential criminal activity in the future.

Policy constraints

59. As a Planning Authority, we have to consider whether the information provided is a valid attempt to establish whether the stated farming practices are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time.
60. Policy also requires the applicant to establish the needs of the intended enterprise(s) to require one or more of the people engaged in it to live nearby. Therefore, the Authority applies stringent levels of assessment to applications for agricultural workers' dwellings, in a manner and to the extent that they are relevant to the nature of the enterprise(s) concerned. And at this stage, the key assessments are the functional and financial tests.

Functional Test

61. With regard to the functional test – Currently, the applicants are responsible for the overall operation of the farm business including the petting farm, whilst also running a fencing business. In this case, it could be argued that the Petting Farm business should not be included as part of an agricultural needs assessment, particularly because the inclusion of certain animals such as guinea pigs, llamas etc do not fall under the definition of 'livestock'. Nevertheless, the Authority should consider whether such a business could justify an essential need for a worker to live on site.
62. For the running of the farm enterprise, and according to the submitted figures presented, (based on standard man days), it has been calculated that there is a current labour requirement equivalent to 1.22 (Equivalent full-time workers).
63. In this case, the Standard Working Man Days (SWMD) is increased by 20% for field work, works which are not applicable to the Petting Farm. The SWMD would therefore be slightly reduced if only the core agricultural aspects of the enterprise were to be considered.

64. Alongside the SWMD calculation, the appraisal outlines 'critical care periods. These are mainly January to April for calving and lambing. The diagram provided in the appraisal includes 'reduced critical care' (March to September) associated with the Petting Farm. However, moving/transporting animals early in the morning (suggested time, 5am on the appraisal) would not in Officer review require a worker to live nor would the lack of an on-site presence pose a risk to livestock safety when they are being transported as a worker would be present in any case.
65. It appears the main functional need for someone to live on site would be related to the care and management of the current breeding stock and that of the 'Petting Farm' animals.
66. The applicants' vet has provided letters indicating the level of care required for the applicant's animals and detailing the importance of living onsite.
67. Based on the size and nature of the farming operations alone and the land being at capacity to support the existing stock, Officers consider that the application does not demonstrate an essential need for one full time worker to be on site at most times. The proposed dwelling therefore is not justified and would be contrary to policies HC2 & DMH4.

Financial Test

68. Financial information has been provided to address the financial test and includes the farm accounts (including the petting farm) which have been prepared by an independent accountant.
69. Considering the financial test on the farm – Figures indicate annual profits between the years 2020-2022, indicate an upward trend in revenue, which is generally an indicator that the farming business is seen as both profitable and sustainable.
70. However, it is not clear from the submitted financial details, whether the sources of the sales and purchases outlined in the accounts include the fencing business. The information provided is not sufficient to demonstrate that the agricultural business is profitable on its own or could support the costs of the proposed dwelling house.
71. With the functional test, the financial one should essentially consider the core agricultural parts of the enterprise. Therefore, taking the above into account, the application does not demonstrate whether the farm would be financially viable without additional income from the applicant's other enterprises.
72. However, it is noted that the applicants have demonstrated commitment and investment to the farm enterprise, in this case with the presence of an existing farmyard and agricultural buildings, with the addition of general farm machinery.
73. Moreover, in addition to passing the functional and financial tests, Government advises that the proposed dwelling should be commensurate with the needs of the enterprise and should not reflect the personal preferences or circumstances of the applicant. The enterprise should also be capable of sustaining the dwelling in financial terms i.e. cover capital costs as well as ongoing maintenance.
74. However, there has been no evidence provided of the construction costs for the proposed dwelling and as such it has not been possible for Officers to establish whether these would be commensurate with any reserves the applicants possess or the likely sustainable income that would be purely based on the agricultural aspect of the farming activity.

75. This evidence is essential because if a dwelling house were permitted without an essential functional requirement or meeting the financial tests then it would be likely in the future that a case could be made that the dwelling is not required by or affordable to an agricultural worker resulting in pressure to release any occupancy restriction and resulting in a market dwelling which would be wholly inappropriate in an open countryside location such as the application site.
76. Therefore, it is concluded that the application fails to comply with policies HC2 and DMH4 in these respects.

Siting, design and materials

77. Policy DMC3 – (*Siting, Design, layout and landscaping*). Reiterates, that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
78. As stated in the proposal section of this report above, amended plans have been received which have revised the form and design of the dwelling and showing a more traditional approach as previously submitted. These amended plans now form part of the current scheme and are addressed in the following section.
79. The proposed dwelling would be sited around 70m north west of the applicants existing farm buildings and on a relatively flat triangular parcel of land. Access to the dwelling would spur off from an existing farm track.
80. The proposed dwelling is based on a simple floor plan, which is considered in keeping with the local building tradition. The design incorporates a fenestration which is considered to be generally acceptable in terms of the proportions of openings, window designs and the solid to void relationship between the proposed openings and wall elevations.
81. Internally at ground floor level, the dwelling would comprise a hallway leading to a dining/kitchen area, a lounge area, a farm office room and utility room. Internal stairs would lead up to three bedrooms and a bath and shower room at first floor.
82. Externally, there would be space allocated for the parking and turning of two vehicles and small garden areas mainly to the south and west of the dwelling. The domestic curtilage would be bounded by post and rail fencing.
83. In this case and by virtue of form, design and use of materials, the proposed dwelling would help complement the character and appearance of the area, generally according with the Authority's conservation and design policies GSP3 & DMC3 and supplementary advice on design.

Landscape and visual impact

84. Policies DS1 – (*Development Strategy*) & L1 – (*Landscape character and valued characteristics*). Supports agricultural development in the open countryside, provided that development respects, conserves and enhances the valued characteristics of the site paying particular attention to impact upon the character and setting of buildings and siting, landscaping and building materials.

85. The application site is a relatively flat area of land, which rises to open countryside with scattered tree cover along the field boundaries to the north and west. To the south is a copse of trees and roadside hedging which separates the development site from the highway and around 70m to the south east of the site are the applicant's group of farm buildings and yard area. The nearest residential properties lie at the western edge of the village over 200m away.
86. A PRoW runs along the access track and carries on in a lateral direction past the application site and towards the western edge of the village.
87. Glimpses of the building can be seen from the highway, this could be more notable during the winter months. However, this would be seen at a setback distance of over 30m and at a higher level than the roadside.
88. According to the submitted information, no formal landscaping measures have been proposed currently due to the rural setting of the site. However, if permission were granted a condition securing some form of landscaping could be imposed.
89. As submitted, the plans for the position of the proposed dwelling and associated parking and garden areas are judged to be the least intrusive location within the site.
90. Regarding this, the development would not appear in any way dominant over its surroundings, therefore would have minimal adverse impact on the established local landscape character of the area, since the development would be enclosed within a small curtilage and incorporated relatively close to an already established farmyard area and farm access. Therefore, the scheme is considered to accord with policy L1 in these respects.

Other matters

91. The submitted information states, that the dwelling would be a self-build and as such would be exempt from biodiversity net gain (BNG).
92. DM Policy DMH4 also requires, that 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 where a new building is proposed, there is no traditional building that could be converted for use as a worker dwelling.
93. In this case, the applicant has stated that there are no traditional buildings on site that could be converted for use as a worker's dwelling.
94. In terms of other potential accommodation. The applicant has stated that searches had been made within the local property market. In this case, an online search was carried out on in February and a half mile search radius of the application site was included. With a minimum property size of 3 bedrooms and a maximum purchase price set at £400,000, it showed no results and no available properties to let within 0.5 miles.
95. Whilst there is no supporting paperwork to accompany these, Officers have reviewed them on the basis that the applicant is seeking to demonstrate that there is no existing accommodation in the locality that could reasonably meet their housing need. If the functional need for a dwelling on site were made out then it is accepted that there are no existing dwellings that could meet that need.

Potential amenity issues

96. Policy DMC3 – (*Siting, Design, layout and landscaping*). Reiterates, that where developments are acceptable in principle, particular attention will be paid to the amenity, privacy and security of the development and other properties that the development affects.
97. Due to the intervening distances from the nearest residential properties, (which are sited over 300m away on the edge of the village), it is considered the scheme would have no adverse impacts on the amenity of these or any other properties in the locality, therefore accords with policies GSP3 & DMC3 in these respects.

Local Highway matters

98. Policy DMT3 – (*Access and design criteria*). States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.
99. The local Highway Authority have raised no objections to the scheme, however note that a PRoW runs in close proximity to the site. In this case they advise that the route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Subject to this advice being appended to any forthcoming decision, the scheme is considered to accord with policy DMT3 in particular.

Environmental Management and sustainability

100. Policy CC1 – (*Climate change mitigation and adaptation*). Sets out that development must make the most efficient and sustainable use of land, buildings and natural resources.
101. Notwithstanding the required Building Control measures for heat and power, the submitted details state that the design and orientation of the dwelling makes the best use of solar gain, with solar panels being incorporated on the rear elevation. All construction materials and finishes would be locally sourced. Low use water-conserving fittings for taps and sanitary ware can be used throughout. The construction would also incorporate high levels of thermal insulation and low energy light fittings.
102. Subject to the above, the proposals would essentially follow the principles of policy CC1 in these respects.

Conclusion

103. Whilst the siting and design of the building is considered acceptable and there are no issues regarding amenity and highway impacts, the current application fails to satisfy the financial and functional tests in Core Strategy policy HC2 and Development Plan policy DMH4.
104. The application is therefore not in accordance with relevant development plan policies. In the absence of any further material considerations the application is recommended for refusal.

Human Rights

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

2. List of Background Papers (not previously published)
3. Nil
4. Report Author: Steve Coombes, South Area Planning Team.