

ERECTION OF AN AGRICULTURAL WORKERS DWELLING TO REPLACE MOBILE HOME AND ERECTION OF A PLANT STORE, GRADING, PACKING AND SEED STORE AT GERBESTONE MANOR FARM, GERBESTONE LANE, WEST BUCKLAND (AS AMENDED)

Grid Reference: 316648.119558

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The application demonstrates that there is an essential need for a rural worker to live permanently at the site in accordance with paragraph 55 of the National Planning Policy Framework. The dwelling house is considered to meet this need and is supported. Virtue of its design, scale and siting the proposed development is not considered to adversely effect visual amenity or landscape character within the area. The proposal is therefore in accordance with Policy CP8 (Environment) and DM1 (General Requirements) of the Taunton Deane Core Strategy and guidance contained within the National Planning Policy Framework.

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 13/40 Proposed Site Layout Plan
(A1) DrNo 13/41A Plans and Elevations as Proposed
(A1) DrNo 13/42B Plans and Elevations as Proposed
(A3) DrNo 13/50 Proposed Site Location

Reason: For the avoidance of doubt and in the interests of proper planning.

3. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and

numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

- 4. Prior to their application details/samples of the materials to be used in the construction of the external surfaces and roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above,.

Reason: To ensure that the dwelling does not detract from the character and appearance of the landscape in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

- 5. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture, horticulture or in forestry, or a widow or widower of such a person, and to any resident dependant's.

Reason: The site lies in area where new development is generally restricted to that for which there is a proven need in accordance with paragraph 55 of the National Planning Policy Framework.

- 6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, addition or other alteration to the dwelling house hereby permitted without the further grant of planning permission.

Reason: To ensure that the proposed development continues to meet the requirements of Paragraph 55 of the National Planning Policy Framework in satisfying a recognised need whilst ensuring the dwelling house remains of a size commensurate with the needs of the farm holding, remaining viable financially and capable of being supported by a rural worker.

- 7. The plant, machinery, sampling and grading store hereby permitted shall be used solely for agricultural purposes in association with the free range chicken

unit at Gerbestone Manor Farm, and shall not at anytime provide habitable residential accommodation without the further grant of planning permission.

Reason: In order to prevent further residential accommodation from being provided within open countryside where planning policy strictly controls such uses, in accordance with Policies DM1, CP4 and SP1 of the Taunton Deane Core Strategy and Paragraph 55 of the National Planning Policy Framework.

8. The access, driveway and areas for parking and turning shall be hard surfaced before the dwelling is first occupied. It shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of Gerbestone Manor Farm.

Reason: In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees being retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS5837:2005. Such fencing shall be erected prior to any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Core Strategy Policy CP8 and retained Local Plan Policy EN6.

10. No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Core Strategy Policy CP8 and retained Taunton Deane Local Plan Policies EN6.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

2. **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

3. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
4. Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
5. You are advised of the need to obtain the Environment Agency's Consent to Discharge to an underground strata in association with the proposed septic tank.
6. The protective fencing referred to at Condition 09 of this permission should be as specified at Chapter 9 and detailed in figure 2 and 3 of BS5837:2005.

PROPOSAL

The application, as amended, seeks planning permission for the erection of an agricultural workers dwelling and a detached plant, grading, packing and seed store at Gerbestone Manor Farm, West Buckland.

The proposed dwelling will provide a porch, entrance hall, lounge, kitchen dining, utility, shower room, dedicated farm office and double garage at ground floor level. At first floor level the dwelling will provide for three bedrooms and two bathrooms. Excluding the dedicated farm office and double garage the dwelling will provide for approximately 182 square metres of habitable floor space. The building will measure 6.4m to ridge and 3.8m to eaves. The building will have a maximum depth and

breadth of 11.5m and 22.4m respectively. The building would be finished in painted render, recon stone quoins, cills and lintels, uPVC fenestration and interlocking concrete tiles.

The proposed storage building, which will serve an ancillary function to the egg production operation, will provide a plant and machinery store with grading and packing room, WC and utility at ground floor with a grain store and store with WC above. The building will measure 7.6m by 10.3m with height to eaves and ridge of 4.0m and 7.4m respectively. The building will be of rendered walls, uPVC fenestration and concrete roof tiles. It will have 32 solar photovoltaic panels installed to both roof planes.

The application is supported by an agricultural appraisal, which covers the financial and functional need elements of the existing egg production business. An Arboricultural report is also provided, which makes recommendations with regard to trees on site and the potential impact of the new buildings and accesses. Protection and mitigation is provided and a recommendation that further survey work be undertaken if the works proceed.

SITE DESCRIPTION AND HISTORY

The application site is located to the South of an existing 16000 bird egg production unit at Gerbestone Manor Farm. The poultry and laying houses are to the North on lower ground and comprise a linear timber clad building. The application site slopes away to the North and contains a number of mature trees and is bound by mature hedgerows. Access to the site is via a widened and surfaced field gate in the corner of the field to the north with a driveway and parking/turning area laid with loose stone.

Application 43/09/0023 sought planning permission for the erection of the egg production building and the siting of the mobile home. There was deficient information regarding some aspects of the egg-production building and insufficient justification for the dwelling so the application was withdrawn.

Application 43/09/0030 granted planning permission for the egg production building and that permission is currently being implemented.

Planning permission was granted for a temporary mobile home under LPA reference 46/10/0011.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The site is located along Gerbestone Road a designated classified unnumbered highway to which the National Speed Limit applies.

In detail, the application seeks to replace the existing agricultural workers dwelling and the change of use of land from agricultural to domestic. West Buckland has been identified as a 'Zone C' for parking provision therefore the Somerset County Council - Parking Strategy (adopted March 2012) states the following requirement for Zone C parking provision:-

5.3 The standards for residential development (ZONE C)

Zone	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
C - Green	2 car space	2.5 car space	3 car spaces	3.5 car spaces

Drawing No. 13/40 details that the proposed replacement dwelling and site layout. Whilst the parking is not delineated on the site plan, it is considered that the optimum standards set out in the Somerset County Council - Parking Strategy are easily achievable within the site.

As a result, the Highway Authority raises no objection to this proposal subject to the following conditions:-

The area allocated for parking and turning on the submitted plan, Drawing Number 13/40 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

WEST BUCKLAND PARISH COUNCIL - The Council are concerned about the size of the dwelling and its close proximity to trees. The Parish Council would like the tree officer to consider whether any of these are worth protecting with a TPO.

LANDSCAPE - It is not clear if the recommendations of the Arboricultural report have been accounted for in amending the layout and position of the dwelling. My concerns are that the dwelling is large and will have an impact on existing trees. A detailed landscape scheme will be required if approved. A grey slate roof would help to soften the impact of the buildings.

WESSEX WATER - No comment.

DRAINAGE ENGINEER - Soakaways should be conditioned. Percolation tests required for the septic tank drainage. Environment Agency's consent to discharge required.

Representations

5 letters of objection received from local residents raising the following planning related observations:

- No objection to replacing the existing mobile home but object to a luxurious five bed home; this is over the top for a farm worker;
- Why does the plant store building resemble a three bedroom house?
- Why the need for a grading facility when each hen house has this facility integrally within? This could be for a further three bedroom house.
- This is a transparent and cynical scheme with a massive visual impact;
- The executive home is far larger than any existing dwelling in the surrounding area;
- There is no reason why the mobile home cannot be replaced by a bungalow

with slate roof to minimise the visual impact and is ample for a farm worker and family;

- Severe concern that approval here would open the door for future housing development;
- Request conditions to prevent further residential development, conversion of the grain store and to improve drainage;
- With the margins of free range poultry being in the doldrums this is not the time to invest in high cost extras;
- A change of use was approved at “Manley” where the free range business failed;
- Farm workers deserve reward and work hard but with a five bedroom mansion?
- The site was recently being used for landfill;
- Light pollution will be an issue.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

DM2 - TD CORE STRATEGY - DEV,

CP1 - TD CORE STRAT. CLIMATE CHANGE,

CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,

CP8 - CP 8 ENVIRONMENT,

NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £1079

Somerset County Council (Upper Tier Authority) £270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £6474

Somerset County Council (Upper Tier Authority) £1619

DETERMINING ISSUES AND CONSIDERATIONS

The site is located within open countryside where planning policy seeks to strictly control new residential developments unless there is a proven need for a worker to be present on site. In this regard the pertinent issues to consider are the principle of the development together with the siting, design and impact of the proposals upon visual amenity and landscape character.

Principle

Paragraph 55 of the National Planning Policy Framework states that new dwellings in the countryside may be acceptable where there is an essential need for a rural

worker to live permanently at or near their place of work. The Council has now agreed to use guidance contained within Annex A to the former Planning Policy Statement 7 as the methodology for assessing proposals such as this. Therefore based upon this guidance it must be demonstrated that there is a functional need for a full time worker, that the agricultural business is profitable and that no other dwellings nearby could not fulfil the need.

Functional need:

The business currently employs one full time farm manager, two full time and two part time farm hands who undertake general farm related duties. Since the temporary dwelling was approved, the business has continued to expand and it now employs more staff members than in 2010. Notwithstanding, the agricultural appraisal concludes that the farm generates the requirement for 3.41 standard man days.

In 2010 the Council accepted that the scale of operations at Gerbestone Manor Farm satisfied the functional test for a worker to be resident on the site. Whilst automated systems are in place at the farm, there are certain animal welfare factors that systems cannot monitor. These include incidents of feather pecking, suffocation and predator attacks. It is for these reasons, together with the general functional need of the holding that the functional need of the farm is accepted as requiring continual on site presence and a dwelling at the farm would satisfy such a need. The proposed site is within sight and sound of the main poultry house and is appropriate in this context.

Business viability:

The application is supported by a summary of the most recent three year accounts. A significant financial investment has been made in order to establish the egg laying business and there are plans in place to further expand the business beyond the existing flock of 16000 laying hens.

Notwithstanding the absence of full accounts, the business accountant has submitted evidence that demonstrates the business to have been profitable for the last three years. There was a drop in profits over the period of 2012-13 when compared to that made in 2011-12, however such is believed to relate to a significant increase in the cost of feed.

It is accepted that the business is operated on a sound financial basis and that the business is operating at a relatively high level of profitability. The proposed dwelling is relatively large however it is accepted that based upon the financial evidence provided, the business is capable of supporting a dwelling such as that proposed and therefore it is in part commensurate to the needs of the holding.

Other dwellings:

No evidence has been submitted setting out whether or not there are any other dwellings within the locality that could serve the need of the business. Notwithstanding this matter, it is accepted that the functional test for on site presence is satisfied in this instance, and therefore even if there was an appropriate dwelling within a couple of miles it may not serve the needs of the agricultural business.

Scale, design, siting and landscape impact

The application has been amended following receipt of amended plans and now comprises a three bedroom dwelling house with attached double garage and integral farm office. The original proposals attracted local objection virtue of the scale and design, which was considered to be overly grandiose and palatial for an agricultural workers dwelling.

As a result of concerns, the applicant has reduced the degree of accommodation proposed, from 236 sq metres down to 180 sq metres. The design of the dwelling remains largely unaltered except for the removal of the first floor element above the proposed garage. Following re-consultation no further comments have been received from local residents or the Parish Council.

At 182 sq metres of floor space, the proposed dwelling remains at the upper element of what is generally viewed as being suitable for agricultural worker accommodation. Notwithstanding, the applicants have stressed that the dwelling is to be occupied by an executive farm manager and dependents thereof. It has therefore been stressed to the Council that the dwelling should be suitable for such an employee.

Whilst this issue is accepted to a degree, the dwelling will serve as an agricultural dwelling, required due to the functional needs of the farming enterprise. At 182 sq metres and with three bedrooms, the scale of the dwelling is considered to be appropriate and commensurate to the needs of the holding, which remained highly profitable at the end of the last financial year and capable of supporting such an investment.

The design is slightly grandiose; however it will be finished in rendered walls with concrete roof tiles and uPVC fenestration which are not the most expensive materials for construction purposes. Materials will be agreed by condition to ensure that appropriate specifications are utilised. It was requested that the rear balcony and internal first floor gallery be omitted, as such is seen to be unnecessary for an agricultural workers dwelling. Despite being amended, these elements have been retained. On balance, it is considered that these design issues are not so unnecessary as to warrant the refusal of planning permission.

Speculation has been made with regard to the machinery store, its need and its future use. At present there is no main storage building at the farm site, which comprises open yard areas and the main poultry housing. It is therefore considered to be reasonable to allow a degree of storage. Having the machinery store sited adjacent to the proposed dwelling will bring about security benefits to the holding, with rural theft being on the rise this is considered a sensible option. The first floor grading and store area will allow for sampling and some grading taking place outside the poultry housing. Whilst the building is not of a design that is reasonably necessary for agriculture, it will allow an assimilation to be achieved between the dwelling and the ancillary building. The scale has been reduced with the ridge line being lowered and notwithstanding the above, this building does not give major cause for concern as any future re-use can be controlled in line with planning policy.

In landscape terms, the Council's Landscape Officer has suggested that a landscaping scheme be agreed by condition to limit any adverse visual impact. The building will be set amongst mature trees and away from the roadside boundary. The area is relatively well screened by existing vegetation and despite the scale of both

the dwelling and storage building, the proposals are not considered to result in significant adverse harm to the character or appearance of the surrounding landscape.

There are trees within the site and the proposed buildings will partially affect root protection zones. Notwithstanding, the submitted Arboricultural report makes a number of recommendations for mitigation and tree improvement works and overall, the proposed development is not considered to significantly adversely affect the health of these trees. To substantiate a reason for refusal in this regard without the support of the Councils Landscape Officer would also be difficult. Trees within the site are being assessed for their landscape amenity value at present.

Conclusions

It is accepted that the business at Gerbestone Manor Farm functionally requires the presence of at least one full time worker at the site and that the business is financially stable and viable in the longer term. The proposals therefore satisfy the requirements of Para 55 of the NPPF and guidance contained within Annexe A of the former PPS7 policy document.

The scale, design and siting of the proposed buildings is such that will not result in an adverse impact upon the character or appearance of the surrounding landscape and it is considered to be commensurate with the needs and viability of the farm business. The proposal will make use of the existing access and track which is considered to be acceptable in terms of highway safety. No landscaping plans are proposed and so should be secured by way of condition.

For the above reasons it is recommended that planning permission be granted, subject to conditions.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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