

21/2007/007

MR J PERRY

SITING OF TEMPORARY AGRICULTURAL WORKER'S DWELLING, DEAN BARTON, SOUTH OF LANGFORD BUDVILLE, GR 11226, LANGFORD BUDVILLE

311219/122660

FULL

PROPOSAL

Permission is sought for the erection of a temporary agricultural workers dwelling at land to the south of Langford Budville. The proposed siting would be to the east of existing farm buildings which have recently been granted consent, planning reference 21/2006/019, for change of use to provide storage of agricultural contracting machinery, also under the ownership of the applicant. An agricultural appraisal submitted by ACORUS accompanies the application setting out the functional and financial justification for a full time worker on site in connection with the poultry based enterprise. The proposed enterprise would be as a free-range poultry unit. At present there are 500 laying birds on site with the intention to increase the flock by 1500 laying hens by February 2008 and a further 1500 by February 2009 resulting in a total of 3,500 birds. An additional 200 laying hens will be brought to the site for breeding and a few rare breeds will be introduced to the holding in 2008, including bantams, orpingtons and sikies. Based on spatial requirements of existing legislation the agent has indicated that on the total area of 2.4 hectares, 6000 free-range birds could be grazed on the land. However the agent continues that in order to maintain the quality of the grass a paddock rotation should be utilised.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site lies outside of any recognised development limit where it is remote from adequate services, facilities, education and employment opportunities and there are limited transport services. As a consequence it could be argued that the proposal is contrary to PPG13, RPG10 and the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review. It must be largely a planning matter as to whether or not this is a suitable location for a temporary agricultural worker's dwelling. If it is, and there is overriding agricultural support and/or the proposed dwelling is required to satisfy a genuine local need then a highway objection to the proposal may be inappropriate. In the event of permission being granted two car parking spaces should be provided. ENVIRONMENT AGENCY objects to the application on the grounds that the means of disposal of sewage is unsatisfactory and will create an unacceptable risk of pollution of the water environment. The proposed development is situated on the Otter Sandstone Formation, a Major Aquifer. The first presumption must always to provide a system of foul drainage into a public sewer. If it can be shown to the satisfaction of the LPA that connection to a public sewer is not feasible, a septic tank/package treatment plant incorporating a combination of treatment

processes may be considered. It is advised that a package treatment works should be installed to deal with foul sewage, with a discharge point located downstream of the Gundenham well. In addition consent to discharge will be required.

DRAINAGE OFFICER I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (Sep 1991) and made a condition of any approval. With regards to foul drainage I note disposed to a septic tank. Percolation tests should be carried out to ascertain the required length of subsurface irrigation drainage. The Environment Agency's Consent to discharge to an underground strata is also required.

PARISH COUNCIL objects to the proposal on the following grounds:- The water supply for this application is close to a well that is used as drinking water for cattle. The farmer on another planning application has raised this fact and it would also apply with this application. The discharge should be at least 50 m from the well. There has recently been a planning application for affordable housing on a development in the village, which would be close enough for anyone wishing to oversee the site. Concern over environmental issues for the adjoining properties i.e. odour and vermin which the site would naturally attract.

4 LETTERS OF OBJECTION have been received raising the following issues:- why was this not declared in the previous submission?; outside the village envelope; already affordable housing units approved which would be suitable; other property available short distance away; drainage issues; no functional need on such a small holding; pollution risk to neighbouring field; septic tank already installed; contamination to livestock and water supply; caravan already on site

1 LETTER OF SUPPORT has been received raising the following issues:- support agricultural endeavor in this village as it is a farming area; however concern over smell and that it should be on a temporary basis not permanent.

POLICY CONTEXT

RPG10 (Regional Planning Guidance for the South West), 2001.

PPS1 – Delivering Sustainable Development, PPS3 – Housing, PPS7 – Sustainable Development in Rural Areas, PPS9 – Biodiversity and Geological Conservation.

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR6 (Development Outside Rural Centres & Villages) and Policy 5 (Landscape Character).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), EC6 (Conversion of Rural Buildings), H12 (Agricultural Workers Dwellings) and EN12 (Landscape Character Areas).

ASSESSMENT

It is considered the key issues in the assessment of this application relate to the justification submitted for an agricultural workers dwelling; siting; and assessment of the issues raised in connection with potential pollution from the site.

Policy H12 of the Local Plan requires that the provision of an agricultural worker's dwelling is proven by a functional and financial test. Paragraph 10 of Planning Policy Statement 7 – Sustainable Development in Rural Areas makes it clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development maybe justified is when accommodation is required to enable agricultural...workers to live at, or in the immediate vicinity of their place of work. However, the guidance states that it may often be as convenient and more sustainable for such workers to live in nearby settlements, so as to avoid potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close, to the site of their work. It is therefore the needs of the enterprise concerned and not the personal preferences or circumstances of any of the individuals involved. As such a rigorous approach to assessing applications is required to ascertain whether the enterprise is genuine, reasonably likely to materialise and capable of being sustained for a reasonable period.

Annex A of PPS7 sets out a criteria based assessment for the provision of temporary agricultural dwellings. (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indications of intentions); (ii) functional need – a functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most time. Such a requirement might arise, for example, if workers are needed to be on hand day and night; (iii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems; (iv) clear evidence that the proposed enterprise has been planned on a sound financial basis; (v) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and (vii) other normal planning requirements e.g. on siting and access are satisfied.

The guidance states that a period of three years should be granted for a temporary workers dwelling.

A detailed appraisal accompanies the application. The report identifies that there is a functional need in relation to a full-time labour unit. In relation to financial viability the report states that once the flock is fully established it would generate a return to unpaid labour of more than £15,000. For comparison the current minimum wage that applies to agricultural workers from 1st October, 2006 is £224 per week or £11,648 per annum. It is important to stress that it is the poultry unit enterprise alone that must justify the provision of an agricultural workers dwelling and not in connection with the applicant's agricultural contracting business. As such should Members be minded to grant consent it is recommended that the agricultural tie condition be amended to incorporate "in connection with the poultry unit enterprise" in order to ensure that the investment is made in the poultry enterprise. It would then

become an enforcement issue should there not be a full time worker residing in the mobile home that would comply with the tie. It should also be noted that the proposal is for a temporary permission and any subsequent application would also need to justify the financial test requirements set out in Annex A of PPS7 for permanent residential dwellings. However, it is concluded that on the basis of the information submitted there is considered to be a functional and financial justification for the provision of temporary workers dwelling on the application site to serve this agricultural holding.

The total land extends to 2.4 hectares (6 acres) and is located in open countryside to the south of Langford Budville. The submitted application identified 3 phases of development. Stage 1 has already been implemented with the provision of 500 free range birds, Stage 2 & 3 would see a further 1500 birds each to the west of the proposed siting of the mobile home. The proposed siting of the mobile home would be positioned immediately adjacent to existing area flock of chickens and existing buildings on site. The proposal would be served by an existing vehicular access to existing agricultural buildings on site, in connection with the applicant's agricultural contracting business. There is existing screening on site and it is considered the temporary workers dwelling would not appear so unduly prominent as to harm the character or appearance of the area.

The concern of the Environment Agency, Parish Council and local residents in respect of potential contaminated drainage from the site to a nearby well is noted. This issue has arisen from concern that the applicant has/or would be utilising a septic tank on site. However, both the applicant and agent have subsequently put in writing that this is not the case and they will not be using a septic tank. As a result the agent has confirmed that the recommendation of the Environment Agency that a package treatment works would be installed to deal with foul sewage. The Environment Agency has identified that a discharge point should be located downstream of the Gundenham well and a condition be imposed. In addition a Consent to Discharge license will also be required by the applicant to undertake such works.

RECOMMENDATION

Permission be GRANTED subject to conditions of temporary time limit, agricultural tie condition in relation to the poultry unit enterprise, provision of parking spaces, landscaping, package treatment works. Notes re Consent to Discharge required from the Environment Agency, soakaways.

REASON(S) FOR RECOMMENDATION:- The justification submitted for a temporary workers dwelling for an agricultural worker is considered acceptable and would not detract from the visual or residential amenity of the area. The scheme therefore accords with Taunton Deane Local Plan Policies S1, S2, S7, H12 and EN12 and Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 and Policy 5.

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

CONTACT OFFICER: 356586 MR A PICK

NOTES: