

Agenda Item A5	Committee Date 20 April 2009	Application Number 08/01424/OUT
Application Site Warton Grange Farm Farleton Close Warton Carnforth		Proposal Outline application for agricultural workers dwelling
Name of Applicant Mr P. Barker		Name of Agent Mr Graham Salisbury
Decision Target Date 5 March 2009		Reason For Delay Negotiations and Consultation Responses
Case Officer		Mr Andrew Holden
Departure		No
Summary of Recommendation		Refusal

1.0 The Site and its Surroundings

- 1.1 The site is located within the farm complex known as Warton Grange Farm on the south eastern edge of the village of Warton. The farm holding comprises 111 hectares of agricultural land for a working dairy herd. The farm buildings are all located on the edge of the village with the main farmhouse being one of a group of terraced dwellings at the edge of the village. The complex has been operational for many years. The farmhouse has an occupancy restriction and was developed as part of the conversion and construction of the Farleton Close residential development. The application site is within a small copse of deciduous trees on the southern edge of the farm complex alongside the group and modern portal framed agricultural buildings. The site is outside the village of Warton and within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB).

2.0 The Proposal

- 2.1 The application is seeking to gain outline consent for an agricultural workers dwelling. The outline proposal seeks to agree the means of access to the site and the scale of development. Layout, appearance and landscaping are to be Reserved Matters, and thus the subject of a further application. The initial proposal sought to develop a large four bedroom property of approximately 230sq.m (2500 sq.ft) in floor area. Following discussion with the agent the overall site area for development has been reduced in addition to the floor area of the dwelling. The application now seeks to develop a smaller dwelling with a total floor area no greater than 150 Sq m.

3.0 Site History

- 3.1 The site has been the subject of a series of applications relating to the accommodation of an agricultural worker. A static caravan was placed at the site without the benefit of planning consent. The applicant had been in a position where he could gain a non-national farm worker but was required to provide residential accommodation as part of the contract through the agency who supplied the personnel. Consequently, the site has been the subject of three applications to seek

consent for the residential caravan. The siting of a caravan was approved in Sept 2008 on a temporary basis until Sept 2010 to enable a permanent solution to be considered/explored. The current application is seeking to develop a permanent form of residential accommodation within the farm group.

Application Number	Proposal	Decision
07/00576/CU	Retrospective consent for the retention of use of land for siting of a temporary agricultural workers caravan.	Refusal
07/01652/CU	Retrospective consent for the retention of use of land for siting of a temporary agricultural workers caravan.	Refusal
08/00838/CU	Retrospective consent for the retention of use of land for siting of a temporary agricultural workers caravan.	Approved on a temporary basis until Sept 2010 to enable a permanent solution to be considered.

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
County Land Agent	The report is appended in full as a background paper. They conclude that the enterprise meets the functional need for two farm workers to be readily available at most times, but it is not considered that there is a need for two dwellings on the unit because the villages of Warton and Millhead are sufficiently close to provide accommodation for one of the farm workers.
County Highways	No objections to the proposal subject to the provision of garage/parking facilities.
Environment Agency	Objects - The proposal lies within a Zone 3 Flood Risk Area and the application submitted is contrary to Policy SC7 (Development and the Risk of Flooding) in the Lancaster District Core Strategy (2008). They advise that the objection could be overcome by the applicant submitting an appropriate Flood Risk Assessment demonstrating that the development can proceed safely without exacerbating any existing problems.
Environmental Health	Objects – Recommends refusal because no Desk Study has been submitted with the proposal. In addition, control suggested over hours of construction, if approved.
Parish Council	Do not support the application - Greenfield site. The farm is situated within the village where adequate housing is available. Provision could have been made when the farm buildings were redeveloped as housing some time ago rather than being sold off.

5.0 Neighbour Representations

5.1 None received within the statutory consultation period.

6.0 Principal Development Plan Policies

6.1 National policy guidance is driven by Planning Policy Statement (PPS) 7 – Sustainable Development in Rural Areas. Material considerations include social inclusion, effective protection and enhancement of the environment, prudent use of natural resources and the maintenance of a high stable economy.

6.2 In considering the location of new housing in the rural areas planning policy seeks to ensure that housing is located within villages that are substantial in size and have basic services to ensure that they are as locationally sustainable as practicable. PPS 7 identifies that there may be exceptions to these village location, but that isolated rural housing “will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in Annexe A to this PPS”.

6.3 Further guidance within Annexe A states: -

“One of the few circumstances in which isolated, residential development may be justified is when accommodation is required to enable agricultural full time workers to live at or in the immediate vicinity of their place of work. The guidance adds clarity to this general statement with further commentary stating that it will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and 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”.

6.4 The principal development plan policies are Saved Policies E3, E4, E11 and H8 of the Lancaster District Local Plan; and Lancaster Core Strategy Policies SC1, SC3, SC5, SC7 and E1.

Lancaster District Local Plan -

Policy E3 - Seeks to resist development in the Area of Outstanding Natural Beauty (AONB) which would directly or indirectly have a significant adverse effect upon the character or harm the landscape quality.

Policy E4 - Countryside Area, permits development within the area which is in scale and keeping with the landscape, is appropriate to its surroundings and makes adequate arrangements for access, servicing and parking.

Policy E11 - will only permit development in flood risk areas where there are adequate flood protection measures in place or the proposal will provide them without adverse environmental impacts.

Policy H7 (partly superseded) - Directs development to large rural villages providing it is appropriate in terms of design, impact upon the village character.

Policy H8 - Limits development for new dwellings outside main rural villages to those essential to the needs of agricultural, sited to minimise impact, essential employment needs and is appropriate to the area in terms of design, materials and landscaping.

Lancaster Core Strategy -

Policy SC1 - Seeks to ensure that development proposals are as sustainable as possible, including location, environmental impact, flood risk, compatibility and integration within the landscape.

Policy SC3 - Seeks to develop healthy, sustainable rural communities recognising specific housing needs but seeks to protect, conserve and enhance important rural landscapes and the distinctive characteristics of rural settlements.

Policy SC5 - Seeks to ensure that development proposals achieve quality in design, reflecting and enhancing the positive characteristics of its surroundings, including quality landscape (AONB's).

Policy SC7 - Seeks to ensure that development is not exposed to unacceptable levels of Flood Risk.

Policy E1 - Seeks to improve the District's environment by protecting landscapes of national importance, resisting development where flood risk can not be properly managed.

7.0 Comment and Analysis

- 7.1 It is considered that the main issues relating to the development is determining a need for a dwelling in this location outside of the village, in open countryside and in the AONB. In assessing the location a number of other factors also need to be considered, such as the scale of the dwelling, flood risk, and AONB impact.
- 7.2 The County Land Agent's full consultation response is appended to this report. The Land Agent has found that the enterprise is of sufficient scale to satisfy the 'functional need' for a second worker, and that two workers need to be readily available at most times. Furthermore, the enterprise has been operating for a considerable period of time and following examination of recent accounts, the business is considered to be on a sufficiently sound financial footing to address the 'financial test'.
- 7.3 The Land Agent comments further that the enterprise operated with a second worker housed within the village of Warton until 2007. It was only at this time (and the employment of an agency worker with a demand to be housed) that the temporary caravan was introduced and a second worker accommodated on site, albeit initially without the benefit of planning consent and currently on a temporary basis (until September 2010) until a permanent solution could be fully considered. The enterprise differs little in terms of operational demands from its 2007 position.
- 7.4 The applicant argues that the second worker should be housed at the unit to enable efficient operation of the holding, and that in the interest of operational effectiveness and efficiency the worker should be housed within sight and sound of the farm buildings. A further argument raised by the applicant is that the cost of local housing is so high that it prevents low-paid farm workers from purchasing accommodation in the village.
- 7.5 It is considered by the Land Agent that the enterprise should be responsible for the housing of workers. In addition, local housing costs have been falling and a research into house prices and location has shown both historically and currently that low-cost 2 and 3-bedded housing is available in Millhead only 700m to 800m from the farm group (See appendix 1 of the County Land agent Report). Indeed, very recent research has also revealed a 2-bedded property available in Main Street in Warton and at a similar distance to the farm group. It is clear that there is a constant, ready supply of low cost housing close to the farm.
- 7.6 The application is an outline one with 'scale' being identified as matter for consideration at this time. As originally submitted the application sought to develop a 2-storey property (in excess of 250 sq.m) located within a substantial curtilage. Development on this scale was not considered appropriate to the needs of the farm enterprise given the presence of an existing family-sized farmhouse. In addition the proposal would potentially visually upon the setting of the village and the character of the AONB. Following discussions with the agent the overall site curtilage has been reduced and the scale of the building reduced to a dwelling with a total floor area no greater than 150 sq.m. An area of additional tree planting was also introduced to the south of the dwelling to aid screening.
- 7.7 The Land Agent concludes that whilst there is a functional need for two farm workers to be readily available at most times, there is not a need for two dwellings on the unit as the villages of Warton and Millhead are sufficiently close to provide available accommodation for one of the farm workers. As a consequence there is not considered to be a need for the development of new housing within the designated Countryside Area.
- 7.8 As it is concluded that there is no agricultural justification for the dwelling, the proposal should also be considered on its own merits as a dwelling in open countryside. The dwelling's location is unsustainable, being within the Countryside Area, outside Warton Village (which in any case is not one of the villages identified for further development) and is location within the AONB. The proposal is also considered to unduly impact upon the AONB landscape as it introduces built development in an area previously made over to tree planting and open pastoral land. Therefore the proposal is contrary to Saved Policies H7, H8, E3 and E4 of the Lancaster District Local Plan and Policies SC1, SC3, SC5 and E1 of the Lancaster Core Strategy.
- 7.9 AONB's are nationally designated areas with a high status of protection in relation to landscape and scenic beauty. Policy informs that the conservation of natural beauty of the landscape should be given great weight in policy and development control issues. Saved policies LDLP E3 and E4 and Core Strategy policies SC5 and E1 seeks to protect countryside areas in general and AONB's

designations in particular. Development of a large dwelling outside of the village is considered to detract from the setting of the village and the character of the AONB. In addition a dwelling of such size was also not commensurate with the needs of the enterprise given the presence of the main farmhouse within the village and the farm group. The revision to the scheme reduced the scale of the dwelling and improved its potential to be screened by the addition of an extended belt of tree planting to the south. The revised scale of the dwelling does reduce the potential for impact but given the lack of demonstrable need for the building the development is considered to unduly change the area to the detriment of its character.

- 7.10 In addition the flood risk objections referred to in paragraph 4.1 of this report raises justifiable objection from the Environment Agency, which the local planning authority concur with.

8.0 Conclusions

- 8.1 It is concluded that whilst the farm enterprise supports the functional test for a second worker to be employed within the enterprise, the need for a second dwelling cannot be supported given the very close relationship between the neighbouring areas of housing and the farm group. Furthermore, the Countryside Area designation and location within the Arnsdale and Silverdale AONB would preclude the development of all but essential dwellings. As such the development should be refused.

Recommendation

That Outline Planning Permission **BE REFUSED** for the following reasons:

1. No demonstrable need for the dwelling - contrary to saved policy H8 of Lancaster District Local Plan
2. Within the AONB and Countryside Area - contrary to saved policies H7, H8, E3 and E4 of the Lancaster District Local Plan and Policies SC1, SC3, SC5 and E1 of the Lancaster Core Strategy.
3. Within a Zone 3 Flood Risk Area - contrary to saved policy E11 of Lancaster District Local Plan and Core Strategy policy SC1 and SC7.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

1. Report of the Lancashire County Land Agent (25 February 2009)