

Agenda Item A6	Committee Date 27 July 2015	Application Number 15/00096/FUL
Application Site Land Adjacent To J E Clarke Agricultural Buildings Melling Road Melling	Proposal Erection of an agricultural workers dwelling with creation of access and raised patio area	
Name of Applicant JE And AC Clarke	Name of Agent Mr Ted Fletcher	
Decision Target Date 13 April 2015	Reason For Delay Increases in planning application caseload	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Peter Williamson for the application to be determined by the Planning Committee. The reason for the request relates to the agricultural need and that the agricultural business demands an agricultural dwelling that is over and above the size of the dwelling commensurate with the established functional requirement.

1.0 The Site and its Surroundings

- 1.1 This application relates to part of an agricultural field located adjacent to a group of modern farm buildings on the north east side of Melling Road, approximately 1 kilometre to the north west of the small village of Melling. The site is at a lower level than the highway, the boundary along which comprises a hedgerow. There is some variation in levels across the site, with the highest point towards the eastern corner. The nearest neighbouring residential property is located approximately 190 metres to the south east. The site is associated with Cringleber Farm which is located approximately 700 metres to the south in a straight line, and approximately 2.3 kilometres by road.
- 1.2 The site is located within the Countryside Area, as identified on the Local Plan Proposals Map. The River Lune Biological Heritage Site is approximately 500 metres to the north west. The site is also within a Mineral Safeguarding Area.

2.0 The Proposal

- 2.1 Planning permission is sought for the erection of an agricultural worker's dwelling with associated domestic curtilage and a new access from Melling Road. It would be a two storey detached dwelling with three bedrooms and a double integral garage. The building would be 15.9 metres long and 13.6 metres deep, at the widest point, with a ridge height of approximately 8 metres, at its highest point. It is proposed to be located approximately 90 metres from the gate into the farm yard, linked by a new path, and approximately 50 metres from the nearest farm building. The total area of domestic curtilage, including the footprint of the dwelling, is approximately 1,700 square metres. As part of the scheme, solar panels are proposed on the roof of one of the agricultural buildings and a ground

source heat pump collector is proposed in an adjacent field.

3.0 Site History

3.1 There have been several planning applications and agricultural determinations on this site. The most recent site history is set out below.

Application Number	Proposal	Decision
12/00898/FUL	Erection of an agricultural food storage building.	Approved
10/00474/FUL	Erection of a stock building (Building One)	Approved
10/00473/FUL	Erection of a stock building (Building Two)	Approved
10/00475/FUL	Erection of a stock building (Building Three)	Approved
09/01117/FUL	Erection of an agricultural storage building for silage/straw /grain /fodder (Phase 1 of phase 2)	Approved
09/01118/FUL	Erection of new agricultural storage building for silage/straw/grain/fodder (Phase 2 of phase 2)	Approved
07/00930/FUL	Erection of an extension to existing stock building	Approved
06/00034/FUL	Erection of a stock building	Approved
04/00209/AD	Agricultural Determination as to whether further details are required for the erection of a general purpose storage building	No further details required
04/00208/AD	Agricultural Determination as to whether further details are required for the erection of a general purpose storage building	No further details required
00/00198/FUL	Erection of a single storey building for use as a timber saw mill	Approved
93/00151/AD	Determination as to whether further details are required for the erection of a storage building	No further details required

3.2 There have been several planning applications and agricultural determinations on this site, the first being in 1993, but most since 2004. The site history is set out below.

4.0 Consultation Responses

4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Parish Council	Support the application.
County Highways	No objections. Request conditions requiring: a scheme for the construction of the off-site works of highway improvement (namely a vehicular drop crossing and intervening metalled surfacing between vehicular running lanes and requisite public / private highway boundaries); gateposts set back at least 5 metres from the edge of the carriageway; surfacing of first five metres of the access with a bound material; provisions to enable vehicles to enter and leave highway in a forward gear; and protection of visibility splays – 4.5 metres by 90 metres.
Environmental Health	No objection subject to standard land contamination conditions in addition to a preliminary risk assessment.
Tree Officer	No objection subject to conditions requiring: no tree to be removed unless agreed; submission of Tree Works Schedule and Arboricultural Method Statement; and landscaping scheme with 5 year maintenance.
County Land Agent	Taking into account the scale and nature of the operations at the application on site, on balance, the Agent is of the view that there is a need for someone to be readily available on the site itself. However, the size of the dwelling is significantly larger than required.
County Planning (Minerals)	No comments received

5.0 Neighbour Representations

5.1 No representations have been received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
Paragraph 32 – Access and Transport
Paragraphs 49 and 50 – Delivering Housing
Paragraph 55 – Housing in Rural Areas
Paragraphs 56, 58 and 60 – Requiring Good Design

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.3 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.4 Development Management Development Plan Document

DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth
DM43 – Accommodation for Agricultural and Forestry Workers
Appendix C: Criteria for Housing Development for Rural Enterprise Workers

6.5 Lancashire Minerals and Waste Site Allocation and Development Management Policies Local Plan

M2 – Safeguarding Minerals

7.0 Comment and Analysis

7.1 The main issues are:

- Principle of development
- Design and Landscape Impact
- Highway impacts
- Impacts on trees
- Land contamination
- Mineral Safeguarding

7.2 Principle of Development

7.2.1 Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities. Policy DM42 of the Development Management DPD (DM DPD) sets out a list of villages within which new residential development will be supported. It also states that new homes in isolated locations will not be supported unless clear benefits outweigh the dis-benefits as set out in paragraph 55 of the NPPF.

7.2.2 The application site is located in the open countryside, divorced from any of the villages listed in Policy DM42. There are some limited services in Melling which can only be accessed via rural roads which have no footpaths. Someone living in this location would be wholly reliant on private transport.

As such, the site is considered to be within an unsustainable location. Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and local authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include: the essential need for a rural worker to live at or near their place of work in the countryside; where development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

- 7.2.3 Policy DM43 of the DM DPD sets out criteria in relation to accommodation for agricultural and forestry workers. In order to meet the criteria there must be a clearly identified functional need, the need must relate to a full time worker, the business must be established for at least three years and be financially sound, the functional need must not be able to be met by other accommodation in the area and the new dwelling should be sited to minimise the impact on the surrounding area. Appendix C supports this policy and sets out the tests for assessing the functional need and the financial soundness. An agricultural appraisal has been submitted with the application and the Land Agent at the County Council has been consulted to provide advice on whether the proposal meets these tests.
- 7.2.4 The application site comprises a large group of farm buildings, which has developed more rapidly since 2004. It is associated with Cringleber Farm, which is the applicant's family home and has a range of traditional agricultural buildings, located approximately 2.3 kilometres (by road) from the site. Ringstones Farm, at Bentham, is also associated with the farm holding and it is understood that this comprises 142 acres, a small number of redundant agricultural buildings and two dwellings that are currently let out. The main activity on the farm holding is rearing and trading beef cattle. The applicant, Mr John Clarke, farms with his son, Sam, who is 24 whilst his 75 year old father is involved in some aspects of the farming business.
- 7.2.5 The applicant has set out that the total area of land farmed extends to 800 acres (323.86ha), of which approximately 500 acres (202ha) is owned and occupied by the applicant. Arable cropping comprises approximately 75 acres (30ha) of winter/spring barley grown for whole-crop and feeding grain both of which are fed on the unit. It is understood that up to three cuts of grass silage is taken from approximately 300 acres (121ha). The applicant takes a crop of hay from a further 120 acres (48ha) and all remaining land is used for grazing. The applicant operates a beef suckler enterprise comprising of predominantly limousine cross cattle. The applicant calves around 250 suckler cows per annum and there are approximately 725 head of cattle ranging from adult suckler cows to calves. The applicant has also set out that he currently runs 603 store lambs which will be sold later in the year. It is understood that approximately 750 sheep are taken on for winter grazing from November through to March with some remaining on the land until April. Most of the animals are housed at the application site. The buildings at Cringleber comprise a range of traditional stone barns utilised for the housing of a small number of cattle and some calving cows.
- 7.2.6 The large traditional farmhouse at Cringleber Farm is occupied by the applicant and his family. The applicant advised the Land Agent that the house contains five bedrooms along with a kitchen, living room, dining room, boiler room and office. The applicant's son currently lives at this property and it is intended that he will occupy the dwelling for which consent is sought. He is self-employed and advised the Land Agent that he works approximately 10 hours a day on the unit, being mainly responsible for the diets and feeding of the cattle, and also does part time fencing and contracting work for neighbours. The applicant also employs an apprentice who works five days on the unit. It is understood that the applicant's father who resides at Tunstall, approximately 1.5 miles from the application site is partly involved in the farming operations. During the calving season it is understood that the applicant and his son share the task of regularly checking the cattle during the day and night in order to assist with any difficult calvings and other issues that may arise.
- 7.2.7 The principal reason put forward for the proposed development relates to someone being readily available on site during both the day and night in order to regularly check on the cattle. It is understood that the applicant feels that by not living on the main unit, it is difficult to regularly check on the cattle and respond to any potential issues. This is especially relevant during the calving season when the applicant and his son travel from Cringleber to the application site several times during the day and night. The number of cattle housed on the site has increased over recent years, avoiding the need to pay for cattle to be housed on other units. Taking into account the scale and nature of the operations at the application on site, on balance, the County Land Agent is of the view

that there is a need for someone to readily available on the site itself. However, he has raised concerns regarding the size of the dwelling, setting out that this is significantly larger than required, with the size of the dwelling relating more to personal circumstances. From experience in dealing with similar applications, the Land Agent has set out that a floor area not exceeding 150 square metres would be more appropriate.

7.2.8 The concerns regarding the scale of the dwelling were raised with the agent early in the application process and the dwelling was reduced slightly. The comments from the land Agent were made in relation to the amended plan. The proposed floor area of the dwelling is approximately 270 square metres (241 square metres without the garage). Appendix C of the DM DPD sets out that agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit will not be permitted. The justification for the dwelling relates to the need for an agricultural worker to be located on this site as it contains most of the farm operation, but it should be noted that there is another large dwelling associated with the unit within 3 kilometres. In advising the agent regarding the scale of the dwelling it has been accepted that this could have three bedrooms, as shown, even though the personal needs of the applicant's son do not currently require this. Officers are also accepting that this could effectively be a viewed as a farm house associated with the agricultural buildings on the site, rather than an additional farm worker's dwelling which are often quite small. However, the current room sizes are excessive, which results in a very large floor area for a three bedroom property, and there are also some elements that are not essential.

7.2.9 On receipt of the Land Agent's comments, the applicant's agent was contacted in writing with the concerns regarding the scale raised again and was sent some layouts, forwarded by the Land Agent, which showed more appropriate sized properties (around 150 square metres) still containing at least three bedrooms and the essential living accommodation. Since this, some suggestions have also been made to the agent regarding how the overall floor area of the dwelling could be reduced, for example by removing the dressing room, the cloakroom (there is already another toilet proposed on the ground floor) and the first floor workroom (there is already an office proposed on the ground floor), reducing the sizes of the en-suite, bedrooms, lounge and plant room, and by detaching the garage. No response was received in response to these suggestions.

7.2.10 A dwelling in this location would only be acceptable as an exception and as such it should relate to the farm operation rather than the specific requirements of the applicant, as set out in Appendix C of the DM DPD. This view is supported by the Land Agent and, although there is some flexibility in the size that could be acceptable, particularly as it will contain a farm office, the current proposal is excessive, having a total floor area of approximately 270 square metres and as such it is not considered that the proposal complies with the Council's adopted policy in relation to dwellings to serve an agricultural need.

7.3 Design and Landscape Impact

7.3.1 As set out above, the proposal relates to a large building. However, it will be at a lower level than the highway. It has also been designed so that the eaves height is above the ground floor windows on the south east elevation, reducing the massing of the building on one of the elevations which faces the highway. Nevertheless, it has been highlighted to the agent that some of the elevations appear quite complicated with a lot of different elements. On the south east elevation there is a dormer window, part of a gable visible, a hipped roof over the single storey element and the triangular projecting bay window visible which is on the north east elevation. The south west elevation, which would be viewed from the highway when travelling from the south west, has several different roof slopes visible which gives a rather messy appearance. Given the sensitive rural nature of the site, a more simplified form would be more appropriate and more in keeping with the agricultural use of the site. The building will utilise a mix of sandstone and roughcast render and would have a slate roof, all of which are appropriate traditional materials for this locality. The windows are proposed to be powder coated aluminium with artstone lintels and cills, which are likely to be acceptable subject to the precise details.

7.4 Highway Impacts

A new access is proposed to serve the development, located approximately 70 metres to the north east of the existing access serving the farm buildings. There is a large area of grassed verge between the carriageway and the boundary hedge which means that visibility of 4.5 metres by 90 metres can be achieved. The Highways Officer has raised no objection, but the proposal will require

offsite highway works in the form of a vehicle drop crossing and an area of metalled surfacing between the carriageway and the site, across the highway verge. The gate into the site has been shown set back at least 10 metres from the edge of the carriageway. A footpath link has also been indicated between the proposed dwelling and the agricultural buildings. Given the above, it is considered that a safe and appropriate means of access can be created and the proposal will not have a detrimental impact on highway safety.

7.5 Impact on Trees

7.5.1 A mixed species hedgerow comprises hawthorn, hazel and elder has been identified along the south east boundary of the site, adjacent to the highway. The hedgerow is no longer stock proof, and a number of gaps exist where the hedge has failed and not been restocked over the years. The proposal includes the removal of a 5 metres section of this hedgerow to facilitate access in to and from the site. A natural gap in the hedgerow has been selected for the access, further reducing the loss of hedgerow trees. There are a range of relatively small trees within the site proposed for development. These trees are to be retained and must be protected in compliance to BS 5837 (2012). In addition, there is a large mature beech tree in the corner of the adjacent field to the east. There must be no disturbance in the ground levels within the calculated root protection area of this tree, to avoid any adverse impact upon tree health, vitality, stability and long term sustainability. There were concerns raised regarding the plotted root protection area but this has now been amended to take into account the adjacent highway. Subject to adequate protection during construction, it is not considered that the development will have a detrimental impact on trees or hedgerows. Some additional landscaping can also be requested by way of condition.

7.6 Contaminated Land

7.6.1 The Contaminated Land Officer has requested a condition requiring the submission of a preliminary risk assessment in relation to contaminated land, in addition to the standard contamination conditions. However, the site relates to an agricultural field and there is no evidence that it has been subject to levels of contamination that would cause a risk to future occupiers. As such, in this instance, an unforeseen contamination condition is considered appropriate.

7.7 Mineral Safeguarding

7.7.1 The site is located on the edge of a mineral safeguarding area, which covers a large area up to the River Lune, extending to the north and south west of the site. The County Council, who are the mineral authority, have not provided any comments in relation to this application, and they usually set out when they have concerns regarding development in Mineral Safeguarding Areas. The NPPF states that local authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. Given the position of the site on the edge of the safeguarding area, and the location of the existing agricultural buildings, it is not considered that the development would constrain any future mineral extraction.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 Taking into account the scale and nature of the operations at the application on site, on balance, the County Land Agent is of the view that there is a need for someone to be readily available on the site itself. However, there are concerns regarding the size of the dwelling. A dwelling in this location would only be acceptable as an exception and as such it should relate to the farm operation rather than the specific requirements of the applicant. The current room sizes are excessive, which results in a very large floor area for a three bedroom property, and there are also some elements that are not essential. Despite these concerns being raised with the agent, they have not been adequately addressed. As a consequence, the proposal fails to comply with the Council's adopted policy in relation to residential accommodation for agricultural and forestry workers.

Recommendation

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

1. The proposed agricultural worker's dwelling is unusually large in relation to the agricultural needs of the unit and as such would result in a building of an excessive scale in an isolated rural location. As a consequence, the proposal is contrary to the aims and objectives of paragraph 55 of the National Planning Policy Framework and policies DM42, DM43 and Appendix C of the Lancaster District Development Management Development Plan Document.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

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

None