

<b>Agenda Item</b> A7	<b>Committee Date</b> 29 April 2019	<b>Application Number</b> 19/00083/FUL
<b>Application Site</b> Marsh House Farm Crag Bank Lane Carnforth Lancashire	<b>Proposal</b> Erection of an agricultural workers dwelling and associated installation of a package treatment plant	
<b>Name of Applicant</b> Mr E Parker	<b>Name of Agent</b> John Metcalfe	
<b>Decision Target Date</b> 18 March 2019	<b>Reason For Delay</b> Additional information submitted required further consultation	
<b>Case Officer</b>	Clare Bland	
<b>Departure</b>	Yes – inappropriate development in the green belt	
<b>Summary of Recommendation</b>	Approval	

## **1.0 The Site and its Surroundings**

- 1.1 The Site extends to 100 sq.m of greenfield land at the north west corner of a field within the demise of a farmstead known as Marsh House Farm. Marsh House Farm is located approximately 400m west of Crag Bank Lane, Carnforth, to the east of the Keer Channel adjacent to Warton Sands, and north of Black Dike. Marsh House Farm extends to approximately 60 acres of predominantly pasture/grazing land and has been owned and operated by the applicant and their immediate family for three generations. The family also actively manages and farms an additional 100 acres of land in the immediately surrounding area, including land at Holgates. Overall, the applicant and his immediate family are responsible for approximately 700 breeding ewes and 20 suckler cattle.
- 1.2 Marsh House Farm includes a complex of various agricultural buildings and a 2 storey, 3 bedroom farmhouse. These buildings are located at the head of the access track leading from Crag Bank Lane. The application Site is located within 10m of the existing cluster of farm buildings, adjacent to the head of the track.
- 1.3 Immediately to the south of the farm buildings is a single storey bungalow. Both the bungalow and the 3 bedroom farmhouse are tied by S106 agreement to occupation by '*a person solely or mainly employed or last employed in the locality in agriculture or in forestry or a dependant of such a person residing with him or her or a widow or widower of such a person*'. The farmhouse is occupied by the applicant, his wife, their two sons and the partner of one of the sons. The second dwelling lies outside the applicant's ownership. It was permitted to be constructed pursuant to planning permission 1/85/0888 to house the applicant's brother and his family, who also worked at the Farm. The S106 agreement was entered into concurrently with the determination of the 1985 application. The applicant's brother has since passed away and the property remains owned and occupied by his widow in accordance with the provisions of the agreement.
- 1.4 In addition to the agricultural operations, the applicant also operates a campsite within the demise of Marsh House Farm, including a number of static caravans, and areas for the siting of touring caravans and the pitching of tents. All of these operations are authorised.

- 1.5 The application Site boundary includes the existing access track from Crag Bank Lane, albeit no works are proposed in this area. The track has been included in the application boundary so as to demonstrate suitable access can be achieved.
- 1.6 The Site is located within, albeit on the outer periphery of, the North Lancashire Green Belt. It is also located within a mineral safeguard area, and a SSSI Impact Risk Zone.
- 1.7 The eastern boundaries of the Morecambe Bay SAC and RAMSAR designations abut the western edge of the Farm demise but the Site does not fall within these designations. This is also the case for the Morecambe Bay and Duddon Estuary Special Protection Area and the Morecambe Bay SSSI.
- 1.8 The access track (which is included within the application Site boundary) falls within EA Flood Zone 3 (SFRA Zone 3a). Although this is the principal route to the proposed lodge no development or engineering works are proposed within this area. The application Site is not susceptible to any other surface water flooding constraints and is susceptible to a less than 25% change of groundwater flooding.

## **2.0 The Proposal**

- 2.1 It is proposed to erect a modest, single storey, 2 bedroom timber lodge in the north western corner of a field immediately opposite the existing farm buildings. The building would extend to 9.86m in length, 6.11m in width, and an overall height above ground of 3.6m. The lodge is classed as a mobile structure and would have no direct connection to utilities, with these being provided by a link to the existing farmhouse, other than foul water which would be directed into the proposed package treatment unit. The lodge would be screened by native species trees and hedgerow, some of which already exists along the north and west boundaries of the site, and some of which is proposed as part of the application.
- 2.2 The field is authorised for the siting of touring caravans and camping, with permission dating back to 1989. The lodge is proposed to be occupied by one of the applicant's sons and his partner, both of whom currently reside in the 3 bedroom farmhouse with the applicant's parents and brother. The intended occupant, Mr Thomas Parker, is a partner in the Marsh House Farm business and is the farm manager, with his parents being semi-retired. In accordance with policy requirements, the application has been supported by evidence to demonstrate why the applicant needs to reside within the immediate vicinity of the Farm and why it is not possible for them to reside within the farm house or in other existing accommodation within the immediate area.
- 2.3 In association with the lodge, it is proposed to install a package treatment unit (a form of sewage treatment which removes the requirement for the lodge to be connected to the main sewer). No parking is proposed as part of the application as there is already sufficient parking within the Farm complex immediately opposite the proposed location of the lodge.
- 2.4 The applicant is aware of planning policies pertaining to agricultural workers accommodation and has confirmed their acceptance of controls to restrict the occupancy of the lodge to an agricultural worker at Marsh House Farm.

## **3.0 Site History**

Application Number	Proposal	Decision
1/85/0888	Outline application for agricultural workers bungalow	Approved with associated S106
1/86/0079	Reserved matters to erect agricultural workers bungalow	Approved
1/90/01324	Retention of use of field for tents and touring caravans	Approved

## **4.0 Consultation Responses**

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

Consultee	Response
Natural England	No objection
Parish Council	No comments received
Fire Safety Officer	No objection raised, recommend advising applicant to comply with building regulations

## **5.0 Neighbour Representations**

- 5.1 There have been no responses received from neighbouring residents.
- 5.2 The application has been advertised as a departure from Green Belt policy. No responses have been received pursuant to this advertisement though the consultation period does not expire until 26<sup>th</sup> April 2019. Any consultation responses that are received following preparation of this report will be verbally reported at the Committee Meeting.

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework**

Paragraphs 7-14 : Achieving Sustainable Development  
Paragraphs 38, 47-50 & 54-57 : Decision Making  
Paragraphs 77-79 : Delivering a Sufficient Supply of Homes  
Paragraph 108 : Promoting Sustainable Transport  
Paragraph 124 : Achieving Well Designed Places  
Paragraphs 133 – 147 : Protecting Green Belt Land  
Paragraph 164 : Meeting the challenge of climate change, flooding and coastal change  
Paragraphs 170, 175-176 : Conserving and enhancing the natural environment

### **6.2 Local Planning Policy Overview – Current Position**

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) (A Review of) The Development Management DPD

The Examination Hearing Sessions commenced on 9 April 2019.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making.

Given the current stage of both DPDs, it is considered that some weight can be attributed to the policies contained therein where no significant objection to them has been raised.

### **6.3 Lancaster Core Strategy (Saved Policies)**

SC3 – Rural Communities  
SC4 – Meeting the Districts Housing Requirements

### **6.4 Lancaster District Local Plan (Saved Policies)**

E1 – Green Belts  
E4 – Countryside Area

### **6.5 Development Management DPD Policies**

DM11 – Development in the Green Belt

DM14 – Caravan Sites, Chalets and Log Cabins  
DM27 – The Protections and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM35 – Key Design Principles  
DM36 – Sustainable Design  
DM38 – Development and Flood Risk  
DM40 – Protecting Water Resources and Infrastructure  
DM43 – Accommodation for Agricultural and Forestry Workers  
Appendix C – Criteria for Housing Development for Rural Enterprise Workers

## **7.0 Comment and Analysis**

7.1 The main issues are:

- Development in the Green Belt
- Principle of Residential Development Linked to Agricultural Use
- Impact on Biodiversity
- Flood Risk & Drainage

### Development in the Green Belt

7.2 As set out in paragraph 143 of NPPF, *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*.

7.3 The applicant has submitted a Statement to address the very special circumstances that they believe apply to their proposal. Within this Statement they refer to the lodge being a 'small scale temporary structure within a parcel of land used for touring caravans' and 'the proposed lodge is essential for the farm business'. It has been proposed so as to allow the applicant's son, Thomas Parker, and his partner to live independently of the applicant whilst remaining at the Farm which Thomas Parker principally manages. His responsibilities in respect of animal husbandry require him to be as close as possible to his place of work so as to ensure he is on hand at all times to care for the Farm's livestock.

7.4 The applicant has investigated various options for accommodation elsewhere within the demise of the farm and off-site, however, all of the existing agricultural buildings at the farm are in use and as such not available for conversion (notwithstanding most would not be suitable for residential conversion); the static caravans located to the south of the complex of farm buildings are privately owned (the land is owned by the applicant and the caravan site is operated by them but the actual caravans are each in private ownership) and none are available for occupation in conjunction with the farm; and there are no other available, affordable, existing properties within close proximity to the Site which could be bought or rented. In light of this, the applicant considered various locations within the Site to locate the lodge and has proposed to site it on the north western corner of the field authorised for the siting or touring caravans and pitching of tents. This location is well related to the existing farm house and farm buildings (from which the lodge would be supplied with utilities/services); it is not a field used for livestock; is in Flood Zone 1; and it is well placed for the occupant to gain unrestricted access to the fields and barns where the livestock are located.

7.5 Paragraph 145 of the NPPF sets out exceptions to where development within the Green Belt should be considered inappropriate. These exceptions include a) buildings for agriculture and forestry, and f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites). Although neither are directly related to the application proposals, the general thrust or purpose for excluding these types of development are of a very similar nature to the proposed development. The lodge fulfils a very distinct local housing need insofar as it would be affordable accommodation for an agricultural worker, directly associated with an existing, long established, farm. The proposals would have no greater detrimental impact on the Green Belt than an agricultural building in the same location which could, in theory, be built larger and of a more permanent construction pursuant to agricultural permitted development rights. Although this is not what the applicant is, or has, proposed, it is included only so as to demonstrate that the proposals would have less impact on the Green Belt than other permitted forms of development within the farm complex.

- 7.6 The proposal would not result in an isolated dwelling, divorced from other built form. The lodge is proposed to be sited in the closest suitable location to the existing farm house and complex of farm buildings. Due to the modest scale of the lodge, and the proposed materials (wooden clad walls with composite tile effect roof) it would not be overbearing when viewed from public vantage points or from within the farm. The structure has a significantly lower roofline than the adjacent farm buildings which will dissipate views from the east. The Lancashire Coastal Way runs to the west of the existing farm buildings which effectively screen the proposed location of the lodge from this viewpoint. Similarly, the existing static caravan site screens the location in respect of views from the south, and, although the lodge would be visible from the north, it would be well screened by existing and proposed planting.
- 7.7 In this instance we are considering a small scale lodge which is of a temporary nature insofar as it is akin to a mobile home/chalet structure that has no permanent foundations or services. Should the development be approved a S106 legal agreement would bind the occupation of the lodge to Marsh House Farm and it would be both reasonable and enforceable to require the lodge to be removed from the Site (and the land returned to its current condition) at any point in the future should it no longer be required in conjunction with the agricultural operations at the Farm.
- 7.8 On balance of considerations, although technically inappropriate development pursuant to the criteria set out in NPPF, the proposals are similar in nature and purpose to acceptable exclusions and, as the structure is of a temporary nature, is akin to a mobile home in terms of level of development and permanence, and as controls can be put in place to require the removal of the lodge in the future should it no longer be required, it is not considered that the proposal would have a detrimental impact on the Green Belt or the purposes for including the Site within it.

#### Principle of Residential Development Linked to Agricultural Use

- 7.9 In accordance with the Council's adopted policy (DM43), the applicant has submitted information to demonstrate the need for essential residential accommodation associated with the agricultural operations at Marsh House Farm.
- 7.10 Marsh House Farm has been owned and operated by the Parker family for 3 generations and is a well-established business. The applicant maintains an active role in the day to day operations of the farm, however, the overall management has now passed to his son, Thomas Parker, for whom the proposed lodge is intended.
- 7.11 In accordance with the advice in Appendix C of the Development Management DPD, the proposed lodge is not considered to be unusually large in relation to the needs of the farm or unusually expensive to construct. It is clearly being proposed to meet a functional need in order to allow Thomas Parker to remain available at the farm for which he has management responsibility with his family. As the proposed occupant already lives at the farm and the lodge is proposed solely to provide private accommodation for him and his partner, they would utilise the existing parking and amenity areas of the existing farmhouse, as well as have the electricity and water services linked to the same.
- 7.12 The proposal meets Policy Test A, demonstrating a functional need, as it is Thomas Parker who has principal responsibility for animal husbandry at the farm. The application was supported by detailed information as to the responsibilities imposed pursuant to the Animal Welfare Act 2006 and welfare requirements imposed by the Welfare of Farmed Animals (England) Regulations 2007, including an indication of the standard labour required for the animals throughout the year. There are 700 breeding ewes (including a small flock of rare breed Herdwick sheep) and a 20 suckler cattle within the management of the farm. Overall these would require a minimum of 3880 man hours which equates to 75 man hours a week, or over 10 man hours a day. A traditional standard farm worker is considered to work approximately 1,900 hours a year. Clearly these hours are not a uniform requirement, with more hours being required during lambing season. Thomas Parker undertakes the majority of the work himself although he is assisted at the busiest times by the applicant and his brother. In light of his position of responsibility for overall management of the farm, it is considered reasonable for the applicant's son to reside at the farm. There are no other dwellings available within the farm complex that could reasonably accommodate the proposed occupant and his partner, providing them with the privacy and personal space ideally required – they have been residing with the applicant, his wife, and their second son in the existing 3 bedroom farm house. There is another property at the farm which was developed in 1986 and was also tied to occupation by persons

involved in the agricultural use of the farm and their family. This property is occupied by the widow of the applicant's brother in accordance with the provisions of the S106 agreement and is therefore not available for occupation by the applicant's son. There are also a number of static caravans at the farm (within the defined campsite), however, these are privately owned units, restricted from permanent residential occupation, and are not available for occupation by the applicant's son. Although there are a small number of properties available for rent and purchase in the surrounding area, those closest to the farm are not considered affordable to the applicant.

- 7.13 The proposal meets Policy Test B, being financially sound. It is a long established family business with the farm demise extending to 60 acres of grassland and the farm business being responsible for a further 100 acres of tenanted grazing land. The applicant owns the land and existing farm buildings, as well as operating the static caravan site and touring caravan and camping site. In addition they are enrolled on the Basic Payment Scheme for the 60 acres within the farm curtilage.
- 7.14 Having regard to the information submitted by the applicant in support of their application and having undertaken a site visit to assess the use of existing buildings at the farm, the proposals appear to soundly address the Council's requirements for providing the lodge as accommodation for the applicant's son in conjunction with his role in the management of the existing agricultural concern.

#### Impact on Biodiversity

- 7.15 The Site is located within close proximity to the outer boundary of Morecambe Bay Special Area of Conservation and Ramsar designations, with these abutting the western edge of the farm demise but the Site does not fall within any of these designations. This is also the case for the Morecambe Bay and Duddon Estuary Special Protection Area and the Morecambe Bay Site of Special Scientific Interest.
- 7.16 Due to the limited nature of the works proposed it is not anticipated that they would have any direct or indirect impact on any of the above designations.
- 7.17 The proposals would not require an intensive or intrusive period or method of construction, they will not result in any increase in vehicular or pedestrian activity within the area, and will have a very minor impact on disturbance of the land within the application site boundary during the installation of the proposed plant treatment works and site levelling prior to the siting of the lodge.
- 7.18 The proposals could have a very minor enhancement of on-site biodiversity through the planting of a small native hedge and tree screen around the proposed lodge.
- 7.19 Natural England were consulted on the application and had no objection to the proposals.

#### Flood Risk and Drainage

- 7.20 The application includes the installation of a small scale package treatment plant that would process all waste water from the lodge. In the absence of mains drainage this is the preferred method of waste water treatment.
- 7.21 The location of the proposed lodge does not fall within an area at risk of flooding and as such there is no in principle reason to resist the proposals on this basis. The access road to the site does fall within Flood Zone 3a which is defined as having a high probability of flooding and as such it would normally be necessary for the applicant to pass the Exceptions Test for essential infrastructure in such areas. However, as the track is the existing means of access to the farm, as no physical works are being proposed within the defined Flood Zone, and as the proposals are technically relocating the residence of the applicant's son from one building within the Site to another (both of which fall outside Flood Zones 2 and 3), it would be unreasonable to require an Exceptions Test in this instance.

### **8.0 Planning Obligations**

- 8.1 It is recommended that a S106 agreement be entered into to ensure the lodge is only ever occupied by an agricultural worker employed at Marsh House Farm (and their immediate family). Should there come a time when the lodge is no longer required to be occupied in such a manner then it should

be removed from the property and the land reinstated to its former condition (having regard to the fact that the proposed lodge is a temporary structure and located within the Green Belt).

## **9.0 Conclusions**

- 9.1 Having regard to the information that has been submitted with the application, and having undertaken a visual assessment of the use of existing buildings at the Site, the proposals appear to comprise a reasonable scale of essential accommodation for an individual who is actively employed in the long established agricultural operations of Marsh House Farm.
- 9.2 Although located within the Green Belt, the proposals are not considered to cause harm to the openness of the Green Belt or the reasons for including the land therein. The lodge would not be a permanent building, it is well related to the existing complex of farm buildings, and it would not require peripheral works or ancillary development that would affect the Green Belt.
- 9.3 The proposals would not impact, directly or indirectly, on the nearby biological heritage assets. They would not result in any increase of activity, either during the construction or operational stages of the works, which would have an unacceptable impact on the surrounding environment.
- 9.4 On balance of all factors, the proposals are considered acceptable subject to conditions and a S106 legal agreement to control the nature of occupation of the lodge and in respect of its removal from the Site, and subsequent remediation of land, should it no longer be required for its intended purpose.

## **Recommendation**

Subject to the signing and completing of a S106 agreement to restrict occupation of the lodge and for its removal should the need for it cease, that Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard Timescales
2. Development to Accord with Submitted Plans
3. Submission of Materials
4. Submission of Landscaping Details
5. Hours of Construction

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

## **Background Papers**

None