

DECISION DATE 27 September 2007	APPLICATION NO. 07/00991/CU A15	PLANNING COMMITTEE: 8 October 2007
DEVELOPMENT PROPOSED CHANGE OF USE OF LAND TO SITE A STATIC CARAVAN TO BE USED AS AN AGRICULTURAL DWELLING		SITE ADDRESS STATIC CARAVAN AND CHICKEN UNIT KIRKBY LONSDALE ROAD OVER KELLET LANCASHIRE
APPLICANT: Mr R Walker 2 The Maltings Whittington Carnforth Lancashire LA6 2NJ		AGENT: Ian Pick Associates Ltd

REASON FOR DELAY

Awaiting consultation replies.

PARISH NOTIFICATION

Over Kellet Parish Council - Concerned about problems with the access into the site and the impact of the development on the landscape. They note that the proposal is unconnected with the unauthorised caravan to the west of the site.

LAND USE ALLOCATION/DEPARTURE

Countryside area.

STATUTORY CONSULTATIONS

County Council Property Services- A copy of their letter appears at the end of this report. They accept that the business plan associated with the proposal is sound, but they query the suitability of the site for a free range poultry unit. They comment that the applicant does not appear to have experience of managing a poultry undertaking of this kind. They recognise that a free range poultry unit requires a regular presence by the operator to check on the welfare of the birds, and that it would be useful to have on site residential accommodation. However they do not agree that it is essential. The site is close to Over Kellet and Carnforth and using modern technology, it would be possible to monitor conditions on the site without living there. Attention is drawn to the Mayfield Chicks poultry breeding unit at Overtown, elsewhere in the Lune Valley. This is much larger, with 50,000 birds, but it does not have any on site living accommodation.

County Council Highways - If the static caravan is intended as accommodation for an agricultural worker's dwelling, no objections, provided that it is not occupied until the sight line improvements required in association with the remainder of the development have been carried out.

Environmental Health - Observations awaited.

OTHER OBSERVATIONS RECEIVED

The occupier of a house in Over Kellet has written to object to the proposal on the grounds that the site adjoins the brow of a hill and the access to it would be dangerous. He also asks about the static caravan to the west of the site (this has no connection with the current proposal).

The Ramblers Association also object to the proposal, noting that the chicken shed is a large one in a quiet and undeveloped area. They are particularly concerned about the caravan, on the basis that this is an unsuitable area for new residential accommodation. The caravan is likely to lead to requests for a permanent dwelling.

Any other representations received will be reported at Committee.

REPORT

This application is associated with no. 07/01000, which is also being considered at this committee. In order to supervise the chicken unit, the applicant wishes to site a caravan on land adjoining the building. The position proposed for it, to the south of the chicken shed, is reasonably unobtrusive given the lie of the land. The intention is that it would provide temporary accommodation while the business is being established.

The following policies in the Lancaster District Local Plan are relevant to the proposal:

- H8, which restricts new dwellings in the countryside to those required in connection with agriculture, forestry or other uses appropriate to the rural area. It requires that they should be sited to minimise their impact on the rural area, be consistent with meeting the essential employment needs of the occupier, be appropriate in terms of design, materials and landscaping, and make adequate provision for the disposal of sewage and waste water.
- E4, which states that development within countryside areas should be in scale with the character and natural beauty of the landscape, be appropriate to its setting in terms of siting, design, materials, external appearance and landscaping, and make satisfactory arrangements for access, servicing, cycle and car parking.

Account has also to be taken of the criteria for considering new housing in the District set out in SPG16 on the release of land for residential development. In this case the argument put forward for additional accommodation is clearly that it would meet a specific local need, for on site accommodation for a farm worker.

Advice on development in the countryside is contained in the central government document PPS7 (Planning Policy Statement: Sustainable Development in Rural Areas). Annex A of PPS7 sets out criteria under which proposals for agricultural, forestry and other occupational dwellings should be considered. They have to fulfil both a functional need - there has to be a genuine requirement for a full time worker to live on the site. Which cannot be met by an existing dwelling - and a financial one, in that the activity has to provide sufficient income to pay the equivalent of the minimum agricultural wage. Where a dwelling is required in connection with a new agricultural enterprise, it advises that a temporary dwelling should be provided in the first instance and that a permanent one should only be allowed after a three year period during which the business has been proved to be viable.

It is clear that in this case the applicant's intention would be to submit a proposal for a permanent dwelling once the business is fully established, and the proposal needs to be considered in the light of this.

The advice of the County Council's Property Service will be noted. Their view is that while it might be convenient for the operator to live on the site, it is not essential. It would be possible to operate a

chicken farm of this size without on site residential accommodation, provided that the person responsible for supervising it lived reasonably close at hand.

In response, the applicant's agent has provided details of a number of recent appeal decisions involving similar cases in other parts of the country. These indicate that the Planning Inspectorate is sympathetic to the needs of the operators of this kind of farm unit provided that it is large enough to provide an adequate agricultural income. He states that the applicant, Mr Walker, is at present the manager of a broiler breeding unit and while this is not free range, it has provided him with experience of poultry management and stockmanship. Deans Foods, who have contracted to purchase the eggs, provide training and technical support for new entrants into free range production. While the mechanical ventilation of the building can be monitored effectively from off the site this is not true of other problems which can arise including intrusions by wild birds, foxes and dogs. He considers that there is a functional need for the manager to live within an audible distance (50 metres) of the building.

So far as Mayfield Chicks are concerned, he argues that this is a broiler breeder unit and an entirely different system of operation. However as members are aware, the Mayfield site is a breeder operation only and part of the recent appeal decision relating to that site prohibits use for broiler activities. The buildings at Mayfield are completely sealed and the birds are not let out; consequently hazards associated with foxes and dogs cannot arise.

The decision in this case is clearly a marginal one but it should be noted that there used until quite recently to be a similar free range chicken farm at Capernwray. This ceased to operate some time ago and the premises are now used as riding stables. In that instance the City Council accepted that there was a genuine need for its operator on site living accommodation. It is important in these cases to be consistent. The applicant's agent has been asked to provide evidence that there is no existing farm complex within the area which could be used to accommodate the business.

He has responded by pointing out that the requirements for a free range chicken building of this kind are very specific ones. To comply with the RSPCA Freedom Foods and Lion Code Standards (these are necessary to sell eggs in the UK) the range must equate to 1 Hectare per 1000 birds. Therefore this proposal needs 11.5 Hectares (28.5 acres) of range area. No part of the range area can be more than 350m from the building itself. Finding a parcel of land and/or buildings which can comply is difficult and it is unlikely that a redundant farmhouse/yard area would in many cases be suitable. It is recommended that permission should be granted.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear 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.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to conditions as follows:

1. Temporary consent - to expire 31 October 2010.
2. Caravan not to be occupied until the associated chicken shed is completed.
3. Caravan not to be occupied until improvements to the site access have been completed.
4. Occupation restricted to a person employed in agriculture and their immediate family.