

BOROUGH OF KETTERING

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| Committee | Full Planning Committee - 22/10/2019 | Item No: 5.3 |
| Report Originator | Ruth James Assistant Development Officer | Application No: KET/2019/0488 |
| Wards Affected | Welland | |
| Location | Wantage Farm Buildings, Harborough Road, Braybrooke | |
| Proposal | Full Application: Construction of open fronted livestock shed and siting of temporary log cabin for welfare and security purposes | |
| Applicant | Mr E Mills C/O Mr T Arthey | |

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed in the table below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the Town and Country Planning (General Permitted Development) Order

2015 or in any statutory instrument revoking or re-enacting those Orders with or without modification, the livestock building hereby approved shall be used for agricultural livestock purposes only in connection with the agricultural holding in which the building is sited and for no other purpose.

REASON: In the interests of amenity and protecting the special mixed urban/rural character of the North Northamptonshire area in accordance with Policy 11 of the North Northamptonshire Joint Core Strategy

5. The temporary agricultural worker dwelling shall not be erected or placed on the site until the livestock building hereby approved, has been constructed and finished in accordance with the approved plans.

REASON: In order that the local authority can retain adequate control over the use of the land and to ensure the dwelling is occupied solely in relation to the functional need to support the establishment of the livestock business use at the site.

6. The siting of the temporary agricultural worker dwelling shall be limited to a period expiring 3 years from the date of this permission. At or before the expiration of this period the temporary agricultural worker dwelling hereby permitted shall be removed, and the land restored to its former condition.

REASON: To enable the Local Planning Authority to re-assess the situation. The site is in an area where new dwellings are not normally permitted except where there is an overriding need in the interests of agriculture or forestry in accordance with paragraph 79 of the NPPF and Policies 13 and 25 of the North Northamptonshire Joint Core Strategy

7. The occupation of the temporary dwelling shall be limited to a person solely or mainly working, or last working, on the land in the locality (as blocked red on the attached plan reference KET/2019/0448/2) in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990.

REASON: The site is in an area where new dwellings are not normally permitted except where there is an overriding need in the interests of agriculture or forestry in accordance with paragraph 79 of the NPPF and Policies 13 and 25 of the North Northamptonshire Joint Core Strategy.

8. Should the livestock building hereby permitted cease to be used for agricultural livestock purposes in relation to the agricultural use of the holding, the temporary agricultural worker dwelling shall be removed, and the land restored to its former condition.

REASON: In the interests of amenity and protecting the special mixed urban/rural character of the North Northamptonshire area in accordance with Policy 11 of the North Northamptonshire Joint Core Strategy.

9. The 2 no. static caravans currently placed on the site shall be permanently removed from the land within 4 weeks of the date of this permission.

REASON: To safeguard rural character and in accordance with policies 3 and 11 of the North Northamptonshire JCS.

Officers Report for KET/2019/0488

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

KET/2018/0030 - Agricultural Building. Prior approval not required.
13/02/2018

KET/2018/0843 - Agricultural Storage Building. Approved 09/01/2019

Site Visit

Officer's site inspection was carried out on 14/08/2019

Site Description

The application site is located within an agricultural field to the northwest of Braybrooke village within the open countryside and outside of the village boundaries. It forms part of Wantage Farm that is located to the north of Braybrooke village on the eastern side of Braybrooke Road.

The site is comprised of existing agricultural buildings used to support the farming activities of Wantage Farm. The field is bounded to the north by the midland mainline and surrounded by open countryside to the south, east and west. There is a private access track from Harborough Road for approximately 260 metres which serves the site and Braybrooke Village located over 700 metres away to the southeast.

Within the site there are existing agricultural buildings located along the northern side, to the south of the railway track and there is an existing bank of mature trees that runs from east to west providing some screening. Two static caravans are situated within the site, one being stored adjacent to one of the agricultural sheds, whilst the second looked occupied at the time of the officers site visit.

Proposed Development

The application seeks consent for a livestock building and temporary agricultural workers dwelling, to enable the diversification and expansion of the farming business.

Any Constraints Affecting the Site

Outside village boundary
Open countryside

4.0 Consultation and Customer Impact

Braybrooke Parish Council

Comments received stating that the council are supportive of the livestock building but object to the proposed temporary dwelling for an agricultural worker.

KBC Environmental Health

No objection subject to a condition and an informative being applied with respect to unexpected contamination and radon gas.

5.0 Planning Policy

National Planning Policy Framework

- Policy 5. Delivering a sufficient supply of homes
- Policy 6. Building a strong, competitive economy
- Policy 9. Promoting sustainable transport
- Policy 12. Achieving well-designed places
- Policy 15. Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

- Policy 3. Landscape Character
- Policy 8. North Northamptonshire Place Shaping Principles
- Policy 11. The Network of Urban and Rural Areas
- Policy 13. Rural Exceptions
- Policy 25. Rural Economic Development and Diversification

Saved Policies in the Local Plan for Kettering Borough

- Saved Policy RA3. Rural Area: Restricted Infill Villages
- Saved Policy 7. Environment: Protection of the Open Countryside
- Saved Policy 49. Temporary Dwellings.

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are: -

1. Principle of Development
2. Assessment of need: function and viability
3. Landscape & Visual Impact
4. Residential Amenity
5. Access & Highways
6. Other:

1. Principle of Development

The National Planning Policy Framework (NPPF) promotes a positive approach to development within a rural economy at Policy 6, which states at paragraph 77 that planning decisions should respond to local circumstances and support housing developments that reflect local needs. Paragraph 79

allows for isolated homes within the countryside, where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside (paragraph 79a).

Furthermore in supporting a prosperous rural economy, the NPPF at paragraph 83 states at part a) that 'planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings' and at part b) that 'planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses'.

Policy 25 of the North Northamptonshire Joint Core Strategy supports the development and diversification of the rural economy that is of an appropriate scale for the location and also supports agricultural businesses, whilst Policy 13 is supportive of dwellings for rural workers including someone who is in full time employment in the agricultural sector.

The application site is located outside of any settlement boundary and therefore constitutes open countryside. Saved Policy 7 of the Kettering Local Plan seeks to deter development within the open countryside. However, Section 6 of the NPPF supports a positive approach to sustainable new development in rural areas in order to support a strong rural economy. In this instance the proposed livestock shed and temporary dwelling for an agricultural worker, would serve the diversification and expansion of existing agricultural activities that are already carried out in association with Wantage Farm

Policy 13 of the North Northamptonshire Joint Core Strategy supports the provision of a dwelling for rural workers at or near their place of work in the countryside and Policy 25 supports sustainable opportunities to develop the rural economy that respect the character of the rural area.

Saved Policy 49 from the Kettering Borough Local Plan supports temporary dwellings where it can be demonstrated that the dwelling is required for essential agricultural purposes for a limited period.

The principle of whether this is supportable by policy can be established with reference to the financial viability of the business and the functional requirement. These factors are examined below.

2. Assessment of need: function and viability

This section of the report examines the proposed justification of the need for a (temporary) agricultural worker dwelling. The objection to the temporary dwelling received from Braybrooke Parish Council is considered too.

The agricultural appraisal submitted in support of the application, identifies the following:

- The land at Braybrooke in the applicant's family extends to 311 acres of mixed arable and grazing land. They also own farm blocks of land at Holcot and Sywell, taking the total holding size to 629 acres or 254 Hectares.
- The travelling time between the different holdings to the Braybrooke site is one and a half hours.
- The projection to expand the business over the next 3 years is based on a disposable income that can support 1.15 workers.

The proposal is part of succession planning for the family with the applicant taking responsibility for the land at Braybrooke. He wishes to diversify the business to develop it as an integrated mixed livestock and arable system at the Braybrooke site and has begun breeding livestock at their yard in Sywell. Currently there are a small number of Suckler Cows and 6 heifers, which are to be out to calf, as well as 12 dairy-bred bull calves that are being hand-reared. In addition, the applicant has 2 rare breed breeding sows and a small flock of rare-breed sheep numbering approximately 20.

The site at Sywell is designed for arable operation and there is not enough grazing land to expand the numbers of livestock and grow this aspect of the farming enterprise. If the business was to be expanded in this location, it would require the movement of animals and forage by road, increasing the traffic movement of heavy agriculture vehicles on the local road network, in order to reach the grazing areas required for the proposed increased numbers of livestock. The Braybrooke yard has the required space and all of the land is in one block. Thus, the relocation of the livestock business to Braybrooke would enable the movement of the livestock and forage around the farm without the need to use the local road network. It is therefore argued that the relocation of the business would enable its sustainable growth and expansion in accordance with national and local policy.

Braybrooke Parish Council have provided comments supporting the livestock building and diversification of the farming business but objecting to the provision of the temporary dwelling. Notwithstanding this, policy supports the operational development of a temporary dwelling for an agricultural worker, especially one who is taking over the majority control of a farm business, to enable them to live permanently at or near their place of work in the countryside. The existing dwelling supporting this enterprise is at Sywell and the planning statement demonstrates a clear functional need for the applicant to be close to the livestock to ensure their safety and welfare, as the herd numbers are increased through the breeding programme over the next three years. It is also acknowledged that there is a recognised problem within the north Northamptonshire locality of rural crime which is on the increase and therefore the desirability for an onsite presence to aid in the safeguarding of the animals is recognised.

Braybrooke Council have suggested that a property could be rented in Braybrooke village to provide the necessary accommodation. However, in *R (Embleton Parish Council) v Northumberland CC (06/12/2013)* the judgement

held that it was a matter of planning judgement whether the need for an agriculture worker to live near the site could be satisfied by a short-term let that maybe terminated in six months' time.

The submitted information has been carefully considered and the site location assessed. Braybrooke village is over 900 metres away from the application site, which is isolated, making it vulnerable to rural crime. The proposed herds being developed include the establishment of a flock of rare breed Border Leicester sheep and rare breed sows that will produce two litters over a twelve month period and the aim is to grow these herds to a financially viable size over the next 3 years.

The planning statement sets out clear arguments for the necessity of having an on-site worker over a temporary period whilst the issue of longer term business sustainability is tested against projections.

It would be possible to be close enough to respond to any problems that could arise during calving, lambing or farrowing and also an added benefit to provide extra security. The potential financial losses that can be incurred through the loss of animals through crime or breeding related problems, can be significant. The provision of a temporary agricultural dwelling on site would help to mitigate this. In this case it is also considered that contracted rental accommodation would not provide security of tenure for the agricultural worker or be close enough to meet the needs of the business during this crucial stage of its establishment.

The evidence, based on projections, points to the potential for an enterprise, if it succeeds supporting one person in a livelihood. Therefore, the proposal for the dwelling is for a temporary structure and conditions will be applied to ensure that at or before the end of a temporary period of 3 years, the structure will be removed, with any future permanent proposal being independently tested against policy, a functional need and viability necessity.

3. Landscape & Visual Impact

Both the proposed buildings would be situated away from the main highway, Harborough Road. The proposed livestock shed would be located to the east of the site and southwest of an existing general purpose shed currently used for the support of the existing farming activities. The proposed temporary dwelling would be located to the southeast of the site, adjacent to the access track and overlooking the entrance of the yard from the track and Harborough Road.

The proposed livestock shed would be approximately 7.1m in height, and measure 30 metres in length with a width of 12.2 metres. The roof would extend out at the front forming a 1.5 metre canopy. The steel framed construction would be enclosed on three sides with the front northeast elevation remaining open with feed fencing across. The lower half of the walls would be formed of prestressed concrete stock panels with cladding above

and the roof would be a grey profile cement dual-pitched roof. The building would be constructed on a hard-core base.

The proposed construction materials and the simplistic utilitarian design of the building would be commensurate with a livestock shed and agricultural building design and is considered to assimilate with the existing built form on site. The plans include the provision of a new tree belt to soften the appearance of the new livestock building. There is an existing line of mature trees and the applicant has provided assurances that these are to remain; email from Mr Tom Arthey of Arthey Associates dated 3rd October 2019 at 17:48.

The accompanying planning statement along with drawing number '1 General Arrangement Temporary Dwelling', provides details of the proposed temporary dwelling, which would be constructed from timber and finished in a 'log-cabin' style. It would measure 14 metres in length, 6 metres in width and would be single storey having an eaves height of 2.3 metres and a maximum height of 3.8 metres to the ridge of the dual pitched roof. A small domestic garden would be created around the dwelling along with parking and an area for bin storage.

Although the temporary dwelling would be viewable from the main Harborough Road, the size and the scale is modest, and it is considered that any visual impact would be kept to an acceptable level. The use of timber materials in the design would be commensurate with a rural setting and does not give rise to visual amenity concerns.

4. Residential Amenity

There are no other dwellings close by. The proposals would therefore not negatively impact upon the amenities of any residential occupiers in the vicinity of the application site and be in compliance with Policy 8(e) of the North Northamptonshire Joint Core Strategy.

5. Access & Highways

No alterations are proposed to the existing access arrangements that serve the site. The proposed dwelling will utilise the existing access from Harborough Road with a spur to allow separate domestic parking provision adjacent to the temporary dwelling. This is not considered to give rise to significant increases of traffic movements to and from the site.

The proposal mitigates for an avoidance of increased traffic movements on the local road network and this is discussed further at section 5 of this report.

The works would not therefore be considered to prejudice highway safety in compliance with Policy 8 of the North Northamptonshire Joint Core Strategy.

To ensure that there is an adequate degree of control over the use and development of the proposed buildings and land, a condition to ensure that the shed is used for agricultural livestock purposes only will be applied along

with a condition to ensure that the temporary dwelling cannot be constructed until the livestock building is in place.

It is therefore recognised that the provision of the temporary dwelling is intrinsic to the development of the livestock business and is in accordance with Policy 6 of the National Planning Policy Framework and Policies 13 and 25 of the North Northamptonshire Joint Core Strategy.

6. Other: On site temporary caravans:

At present there are two caravans upon the land. The planning agent has confirmed that these are unrelated to the proposed occupation of a temporary dwelling. Instead one caravan is reported to be empty/ unused and the other had been or is being used by workers constructing a machinery shed related to the enterprise. The agent has agreed that both are to be removed within 4 weeks. A recommended condition addresses this point.

Conclusion

It has been demonstrated that the development proposals put forward are supported by the National Planning Policy Framework and the North Northamptonshire Joint Core Strategy. Subject to conditions identified which related to the proposed temporary dwelling and use of the agricultural building for livestock, the application is recommended for approval.

Background Papers

Title of Document:

Date: 10/10/19

Contact Officer:

Ruth James, Assistant Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

