

**OS Parcel 5413
South of Manor Farm
Heyford Road
Somerton
Oxfordshire
OX25 6LW**

12/01390/F

Ward: The Astons and Heyfords

District Councillor: James Macnamara and Mike Kerford-Byrnes

Case Officer: Graham Wyatt

Recommendation: Refusal

Applicant: Mr. Ian Corner

Application Description: Construction of agricultural dwelling.

Committee Referral: At the request of Cllr. Macnamara

1. Site Description & Proposal

- 1.1 This application site forms part of an existing farm enterprise located to the south of Somerton. The area is generally rural in character with open fields surround the site which are designated an Area of High Landscape Value. The site contains a number of agricultural buildings and a bungalow which is tied to the enterprise.
- 1.2 The proposal seeks to erect an additional dwelling to serve the farm. The dwelling would be sited to the south of the site, adjacent to existing barns. The applicant considers the dwelling is necessary to serve a functional need at the site for the care and welfare of animals.

2. Application Publicity & Comments

- 2.1 The application has been advertised by way of a site notice that was attached to the entrance of the site. The final date for comment was 2nd November 2012. No letters of representation have been received.

3. Consultations

- 3.1 **Somerton Parish Council** – No comments have been received.

Oxfordshire County Council Consultees

- 3.2 **OCC Highways** – No objection subject to conditions.

Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H18: New dwellings in the countryside
C7: Landscape conservation
C8: Sporadic development in the countryside

C13: Areas of High Landscape Value
C28: Layout, design and external appearance of new development

South East Plan 2009

CC1: Sustainable development
CC6: Sustainable communities and the character of the environment
C4: Landscape and countryside management

4.2 Other Material Policy and Guidance

The National Planning Policy Framework March 2012

5. Appraisal

- 5.1 The proposal seeks planning permission to erect a new dwelling on land at Manor Farm to support a dairy enterprise of Jersey cows. The dwelling is sited to the south of existing buildings at the site. The enterprise is owned and managed by Mr. Ian Corner and from the appraisal provided, the applicant farms approximately 250ha of land at Somerton and the surrounding area of which he owns 121ha, 74ha are tenanted and 57ha are contract farmed. A further 150ha of land is used for growing arable crops to produce feed etc. for the enterprise. The application is accompanied by a Planning Statement extracts of which are attached as an **appendix**.

History

- 5.2 The site has been the subject of previous planning applications for a new dwelling. Application CHS.114/91 was approved for a new dwelling to serve the enterprise. The existing bungalow on the site is the dwelling approved in 1991 and remains tied to the farm through a planning condition restricting the occupancy of the dwelling by a person solely or mainly employed in agriculture. The dwelling is occupied by a worker employed by the applicant. The applicant himself lives in the village of Somerton.
- 5.3 The enterprise was formerly run by Mr. Corner and his brother. However, the business was dissolved in 2009 whereby the applicant became the proprietor of the Jersey herd, the farm land and buildings. The brother remained in the original farmhouse and according to the Planning Statement, 'Having previously established the need for two dwellings on the holding the unavoidable loss of the original farmhouse has caused problems in maintaining adequate supervision of the livestock and property. (paragraph 2.3 of statement).
- 5.4 However, in researching the planning history for the site, it is clear that the new dwelling approved in 1991 was as a result of the applicant stating that the existing farmhouse, some 200m from the site, was not close enough to be within sight and sound of the site for security and animal welfare. Therefore, the new dwelling approved in 1991 was not an 'additional' dwelling, rather it was a dwelling to serve the functional needs of the farm as the existing farmhouse was too far away to serve the farm in terms of animal welfare and security.

Policy Position

- 5.5 The National Planning Policy Framework (NPPF) was introduced in March 2012 and superseded Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7). Annex A to PPS7 dealt with agricultural workers dwellings and stated that the farming enterprise must be financially viable and there must be a functional need for the dwelling. These were known as the financial and functional tests.

- 5.6 The NPPF advises in paragraph 55 that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 5.7 Saved policy H18 of the Adopted Cherwell Local Plan 1996 states that planning permission for new dwellings in the countryside will only be granted where it is essential for agriculture or other existing undertakings. The supporting text to policy H18 defines 'essential' as a,

'proven necessity for a worker to live at or very close to the site of their work i.e. it is necessary for the proper functioning of the enterprise for a new dwelling to be occupied by a worker in connection with it. Sufficient details should be provided to enable an assessment of the size, nature and viability of the existing or proposed enterprise together with details of the number and tenure of existing dwellings related to the holding or estate. Where there is any doubt that a dwelling is required for the proper functioning of an enterprise, or where a new business is being proposed, it will be necessary to supply adequate financial information to demonstrate that the proposals are sound. In particular the Council will wish to be satisfied that such need as might exist could not be reasonably secured in a nearby settlement.'

- 5.8 For an agricultural worker's dwelling to be justified in the countryside, there must be an "essential need for a worker to live permanently at or near their place of work" (NPPF paragraph 55) or "it is necessary for the proper functioning of the enterprise for a new dwelling to be occupied by a worker in connection with it" (policy H18).

The Functional Test

- 5.9 There are clearly a number of tasks required to be carried out in regard to this enterprise that are associated with good husbandry. The applicant states at paragraph 6.4 that the milking herd, followers and calves requires full-time husbandry all year round and that,

"morning and afternoon feed times, milking, disease testing, working , grading and day to day handling, two persons are required to ensure safety during bedding or interaction with livestock. Attending to field crops and other management needs involves time away from the farm, requiring a second full time worker to be available at the farm."

- 5.10 However, such routine tasks as those identified above would normally be expected to take place during the day, and would not require there to be a worker on hand day and night. Moreover, farm animals can under normal circumstances be left alone overnight without there being someone close at hand, particularly mature animals.
- 5.11 Other matters such as calving could require a dwelling at the site so that in case of emergency (such as those identified at paragraphs 6.5 and 6.6 of the Planning Statement) someone is on hand quickly to deal with such matters. When animals are giving birth, it is accepted that there is a greater risk to them and closer and more frequent supervision would be justified.
- 5.12 No details of stocking levels are provided and even with all year round calving it is not certain all births would require intervention. It can be predicted roughly when the animals are likely to give birth, and whilst observation of the animal might indicate a need for a worker to stay on site overnight during some of these births, there is no information of the likely number of calves being born on the site that satisfy either the NPPF test or the local plan test for a dwelling in addition to the existing dwelling on the site. Any functional need is currently being met by the existing bungalow at the site which is occupied by a farm worker who can oversee births and call for assistance if needed.

5.13 The applicant is also proposing to introduce an automated milking system for the farm. This allows cattle to enter a milking parlour unaided or assisted by the farmer where the cow is milked by an automated system. The Planning Statement comments at paragraph 3.3 that “As long as they turn up for milking at some point during the day or night they are free to do what they want.”

5.14 The applicant then states at paragraph 6.11 that,

“Manufacturers of these systems state that; ‘Robots should be installed on a farm where monitoring by humans is quickly and easily accessible. It is of paramount importance that someone is there 24/7 to monitor in case of an alarm sounding or an animal needing attention.’”

5.15 The applicant has not provided the source of the quote. However, details of on-line suppliers of automated milking systems state that they reduce labour required to manage and milk cattle. Moreover, the main advantage of an automated system allows cows to be milked 24 hours a day, 7 days a week, at a time they choose. Milking schedules for early mornings are removed as well as herding and collecting cattle, standing cattle while they wait to be connected and unconnected to the milking machines by the farmer are all removed as part of the automated system. The system is designed to reduce labour and increase milk production. No evidence has been provided that an automated system requires 24 hour monitoring.

5.16 Therefore, the applicant has failed to demonstrate that an essential need for a worker to live permanently at the site in addition to the existing dwelling for animal welfare exists.

5.17 The applicant has also provided additional details relating to security of the site. The existing dwelling sits at the entrance and is in a prime location to monitor activities at the site. The site is gated and traffic can be managed. The applicant comments that an access to the rear of the site has allowed thieves to steal power tools and vehicles from the site. The access is gated yet concerns are still raised that access to the site is available via this track and it would be impractical to block it off. While theft is a problem in rural areas, the justification for a dwelling on security alone would not be justified in this instance.

5.18 The Council has instructed an agricultural consultant to give further advice about the functional need for a second house

The Financial Test

5.19 It is clear that the applicant has farmed for many years and is an established enterprise. There is a proposed investment of £250, 000 for an automated milking system. The applicant has not provided any financial information relating to the enterprise.

5.20 However, in this case, it is clear that the enterprise is established and has been trading for a number of years. The proposed investment into an automated milking system also indicates the applicants intentions to continue to develop the enterprise.

Other Matters

5.21 The proposed dwelling would provide some 460 sq. m of floorspace over two floors. The ground floor proposes a sitting room, dining room, kitchen/dining room, larder, store, boot room, shower/WC, an office and a utility room. The first floor would provide four bedrooms three of which have en-suite bathrooms, and a communal bathroom. The building would measure some 27m (w) x 11.5m (d) x 10m (h) to be constructed of stone under a slate roof

and would be sited to the south of the site. The applicant states that the dwelling also provides accommodation for visiting students.

- 5.22 Policy H18 states that when an essential need has been proven, the new dwelling will normally be expected to be of a traditional design and be closely related to existing buildings in the interest of protecting the appearance of and open character of the countryside.
- 5.23 Policy C7 seeks to restrict development that would cause demonstrable harm to the topography and character of the landscape. Policy C8 seeks to restrict sporadic development within the countryside. Policy C13 states that within Areas of High Landscape Value, the Council will seek to conserve and enhance the environment. Policy C28 states that control will be exercised over all new development to ensure that the standards of layout, design and external appearance are sympathetic to the character of the urban or rural context of the development.
- 5.24 It is accepted that Annex A to PPS7 has been superseded by the NPPF. However, its contents still provide a basis on which new dwellings for agricultural enterprises to be assessed against, especially when considering the size of a proposed dwelling. It must be recognised that it is the needs of the enterprise that is for consideration and not the personal preferences or circumstances of the individual concerned. Strict control is placed upon new dwellings in the countryside and agricultural enterprises are one of the few exceptions where new dwellings in the countryside could be permitted.
- 5.25 A recent appeal decision commented that “a modern house with floor space of 150 sq. m., even measured externally, is not an insubstantial dwelling.” (APP/H0928/A/12/2170005 dated 25th April 2012 refers). The proposed dwelling is very large at some 460 sq. m in floor space and I do not consider this size of dwelling commensurate with the functional requirement, had one been justified. Providing student accommodation would not override this.
- 5.26 In addition, the siting of the dwelling would be on land that rises east. The buildings at the farm are clearly visible from the wider area. The new dwelling would be sited towards the southern edge of the built up area of the farm, extending it into the adjoining field. Given the size of the dwelling, the proposed curtilage and parking and turning areas, it is considered that it would have a harmful impact on the rural character of the area and represents an visually intrusive development that is detrimental to the open and rural character of the area.

Conclusion

- 5.27 The National Planning Policy Framework, advocates that new isolated homes in the countryside should be avoided unless there are special circumstances such as an essential need for a rural worker. In this instance, the applicant has failed to demonstrate that it is essential for an additional worker to live permanently at the site.
- 5.28 The proposal is considered a prominent development that would have a harmful and detrimental impact on the character and appearance of the area. The size of the dwelling is not commensurate within the functional requirement, had one existed.

Recommendation

Subject to the receipt of further advice from the Council’s agricultural adviser

Refusal, for the reasons as set out below:

6. Recommendation

Refusal, for the following reason(s);

1. The applicant has failed to demonstrate that an essential need for an additional rural worker to live permanently at or near their place of work in the countryside exists at the site contrary the National Planning Policy Framework March 2012 and saved policy H18 of the Adopted Cherwell Local Plan 1996.
2. In the absence of any overriding justification, the scale of the dwelling proposed is not considered to be commensurate with the functional requirements of the enterprise. The dwelling, by reason of its size and location is also considered to be prominent, visually intrusive and detrimental to the open and rural character and visual amenities of the landscape and harmful to the environmental quality of this Area of High Landscape Value. The proposal is therefore contrary to the provisions of policies H18, C7, C8, C13 and C28 of the adopted Cherwell Local Plan 1996 and the advice within the National Planning Policy Framework March 2012. Furthermore, in the opinion of the Local Planning Authority the applicant has not proven that there is a clear and justified agricultural need for this building which would outweigh the above concerns, the proposal therefore constitutes unnecessary development in the open countryside.

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.