

18/00163/FUL

Applicant Mr Kerry

Location Land North West Of Lammas Farm Kneeton Road East Bridgford
Nottinghamshire

Proposal Erection of a temporary rural workers dwelling and agricultural building.

Ward East Bridgford

THE SITE AND SURROUNDINGS

1. The site is located to the north of East Bridgford at the junction of Kneeton Road and Oldhill Lane. The site is in the open countryside and is located within the Green Belt. The land in the applicants control extends to 3.5 ha and is surrounded by open countryside with Lammas Farm across the road to the south-east and a bee Farm to the south-west. The site has an existing field access off Kneeton Road and is well screened by trees and hedgerows.

DETAILS OF THE PROPOSAL

2. The application is for the erection of a temporary rural workers dwelling and agricultural building in connection with a free-range rabbit farm enterprise. The proposed living accommodation would have a footprint of 11.9 metres by 5.9 metres, height to the eaves 2.9 metres and 3.5 metres to the ridge. The accommodation would provide an open plan kitchen/dining/living room, two bedrooms and a bathroom. The agricultural building would have a footprint of 23.3 metres by 11.9 metres, height to the eaves of 4.1 metres and 5.1 metres to the ridge.

SITE HISTORY

3. The planning history for the site includes the approval of an application (ref: 16/00766/CLUPRD) for a certificate of lawfulness for the siting of a mobile caravan for purposes ancillary to the agricultural use of the land. This related to a proposed development to site a caravan for agricultural storage purposes on the site.
4. Although not related to the current application site, the applicant has established a rabbit breeding/rearing business on a site at Granby and was granted consent in 2017 at appeal for a permanent dwelling to serve this unit.

REPRESENTATIONS

Ward Councillors

5. The Ward Councillor (Cllr Lawrence) does not believe that the plot of land is big enough to justify the provision of a workers dwelling.

Town/Parish Council

6. The Parish Council object making the following comments:
 - a. The Borough Council does not appear to have been consulted and it is assumed that as this application involves a dwelling, planning permission is needed.
 - b. Are the Green Belt conditions applicable here? If so, are they complied with?
 - c. There is no information on the following aspects and there ought to be:
 - traffic in and out, hours, type and frequency
 - storage and disposal of waste which may include butchery and other waste products.
 - it is implied that there will be sales on site to visitors.
 - d. Wild rabbits were common in some of the fields around the village which have been reduced by some of the common fatal rabbit diseases.
 - e. The proposal is visually downgrading with no attempt to conceal utilitarian buildings.
 - f. Is this an application for a Change of Planning Use?
 - g. The two site drawings – ownership and use are very hard to understand.
 - h. It is claimed that a thriving similar business has been established at Granby and it may be useful for the Borough to check the effects of this with Granby's Parish Clerk. One of our cllrs has spoken to the Clerk there and it seems that the house had permission granted on appeal and it is now up for sale.

Local Residents and the General Public

7. No comments received.

Statutory and Non Statutory Consultees

8. Nottinghamshire County Council as Highway Authority refer to standing advice.
9. The Borough Council's Environmental Health Officer comments that provided the tenancy of the dwelling is an agricultural tenancy they raise no objections to the application.

PLANNING POLICY

10. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF) and the Rushcliffe Borough Non-Statutory Replacement Local Plan 2006.

Relevant National Planning Policies and Guidance

11. The National Planning Policy Framework carries a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Development proposals that accord with the development plan should be determined without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
12. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
 - an economic role – contributing to building a strong, responsive and competitive economy;
 - a social role – supporting strong, vibrant and healthy communities by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
13. Chapter 13 relates to protecting the Green Belt with the fundamental aim of keeping land permanently open. Paragraph 143 states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that when considering a planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 145 advises that the construction of new buildings should be regarded as inappropriate and specifies certain exceptions, including buildings for agriculture and forestry.
14. Chapter 15 advises that planning decisions should contribute to and enhance the natural environment and recognise the intrinsic beauty of the countryside.
15. Paragraph 79 states isolated dwellings in the countryside should be avoided unless, amongst other things, there is an essential need for a rural worker to live permanently at the place of work.
16. Also of relevance is the cancelled Annex A (Agricultural, Forestry and other occupational dwellings) of Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7). This guidance states that isolated new houses in the countryside require special justification. Annex A sets out the tests, both functional and financial, that must be satisfied to meet this requirement. Paragraph 3 of the annex (Permanent agricultural dwellings) states that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units providing:
 - i. there is a clearly established existing functional need;

- ii. the need relates to a full time worker, or one who is primarily employed in agriculture and does not relate to part time employment;
 - iii. the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
 - iv. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
 - v. other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.
17. It also states 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, or unusually expensive to construct in relation to the income it can sustain in the long term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner/occupier, that are relevant in determining the size of a dwelling that is appropriate to a particular holding.
18. Whilst this guidance has been cancelled, in the absence of any detailed alternative guidance, it is considered that the methodology set out in Annex A of PPS7 is an appropriate way to assess whether there is an 'essential need' for a rural worker to live permanently at or near their place of work in the countryside.

Relevant Local Planning Policies and Guidance

19. Core Strategy Policies 1: (Presumption in Favour of Sustainable Development), 5 (Employment Provision and Economic Development) and 10 (Design and Enhancing Local Identity) are considered to be relevant. Policy 5 states that the economy will be strengthened and diversified by (amongst other means) encouraging economic development of an appropriate scale to diversify and support the local economy.
20. Policies GP2 (Design and Amenity Criteria), EN14 (Protecting the Green Belt), EN19 (Protection of Open Countryside), HOU4 (New Dwellings in the Countryside) and HOU5 (Temporary Accommodation) of the Rushcliffe Borough Non-Statutory Replacement Local Plan are also considered to be relevant.
21. Policy HOU4 allows for agricultural dwellings outside settlements where it can be demonstrated that:
- a. The existing farm business is financially sound, or in the case of a proposed business, that it has been planned on a sound financial basis;
 - b. There is a long-term need for a dwelling verified by an expert report;
 - c. The need for the accommodation cannot reasonably be met in a nearby settlement or dwelling;

- d. The dwelling cannot be provided by a temporary building or reasonable conversion of buildings on the site; and
 - e. The dwelling size should be appropriate to the functional needs of the business.
22. Policy HOU5 states that *'Where a new dwelling is essential to support a proposed new farming activity or other activity appropriate in the open countryside and there is clear evidence both of a firm intention to develop the enterprise and that it has been planned on a sound financial basis, then temporary on-site accommodation may be permitted, during which time the need for the dwelling must be established.'*

APPRAISAL

23. The proposal seeks the development of a 300 doe free-range rabbit production unit, to be established over the next three years, to include the provision of temporary agricultural workers accommodation. The rabbit farm would occupy approx. 2 acres of the site.
24. The applicant has submitted a statement which states that it is essential that someone is readily available at most times to manage the rabbit enterprise, specifically to manage the birthing process and ensure doe and kits are retained within the nest area, ensure kits obtain adequate colostrum and milk, ensure the health and well-being of the stock generally, provide a security deterrent against wild animal and human intruders, manage predators and to provide a point of contact for customers.
25. The applicant's budget suggest that the enterprise ought to be capable of generating a profit in excess of £25,000 by Year 3 and will cover notional and fixed costs. He also confirms there are no dwellings available to rent or buy in the locality that can service the identified need.
26. In considering this application, the Council has sought specialist advice from an agricultural consultant to assess the proposal and, in particular, to offer advice on the tests relevant when considering applications for dwellings for rural workers; firstly whether there is a functional need to live on or near the holding and secondly whether the business is financially viable, or in the case of a proposed business, that it has been planned on a sound financial basis.
27. The Consultant notes the free range rabbit breeding/rearing model has been developed by the applicant since 2010 and was determined by the Planning Inspector following the appeal in respect of the site at Granby to be commercially viable. The applicant wishes to develop a second unit at East Bridgford to meet growing demand for rabbit meat.
28. The unit would employ one full time member of staff and the submitted report provides standard data that a 250 doe breeding unit will require at least one full time worker; this was examined and accepted at the Granby Appeal hearing. In this case the applicant wishes to establish a 300 doe unit and the Consultant accepts that one full time worker would be fully justified. An enterprise of this size and type is dependent on a high level of management as well as extremely tight security including bio-security. As such, the enterprise as proposed provides an essential need for a temporary on-site

dwelling. In terms of “sustainability”, the enterprise is appropriate for the unit and the applicant has provided financial results for the similar unit at Granby which demonstrate financial viability as well as budgets for the East Bridgford site.

29. The Consultant also notes that the unit will effectively double the output from the existing business at Granby but the applicant has not provided any conclusive evidence that there is sufficient market demand for the additional output other than general assurances about the growth in rabbit meat consumption and the development of other outlets e.g. pelts. The business model provides the applicant with a relatively low cost means of acquiring consent for agricultural dwellings on small parcels of land and is potentially open to some abuse by simply moving operations from one site to another once permanent consent has been given. However, the Consultant is satisfied that a temporary consent will give the applicant time to demonstrate market demand and financial viability but would expect to see the continuation of the sister site(s) such as Granby alongside the East Bridgford unit when assessing any future application for a permanent dwelling at East Bridgford.
30. In this case the agricultural advice received has been considered very carefully and it is concluded that the proposal meets both the functional and financial tests and a three year temporary consent would give the applicant time to demonstrate (or otherwise) the true level of market demand for the additional rabbit meat from this unit. As such, no objection is raised to the principle of the proposal.
31. The site is located within the Derby-Nottingham Green Belt. Both national and local policy set out that the construction of new buildings in the Green Belt will be considered as inappropriate development, subject to a number of exceptions. One of these exceptions is buildings for agriculture and forestry and as such farm related buildings can be acceptable in principle. Accordingly the agricultural building and associated temporary dwelling are considered acceptable in this location in terms of Green Belt considerations.
32. The application proposes the erection of a temporary rural workers dwelling and agricultural building in an area characterised by other agricultural development within a countryside setting. The agricultural building would create a substantial building in this open countryside location. However, many modern agricultural buildings are significantly larger. The agricultural building and workers dwelling are detached from each other and the agricultural building would be constructed of profiled steel sheeting which is typical of modern agricultural buildings. The workers dwelling would be a timber clad log cabin. The site is well screened and there are no open public views of the locality. It is, therefore, considered that the design and appearance of the buildings would be sympathetic to the rural character of the surroundings, and would not be detrimental to the character and appearance of the area.
33. In view of the scale of the development and distance from the boundary of East Bridgford Conservation Area, it is considered that there would be no harm to the character and appearance of the Conservation Area or its setting.

34. The nearest residential property is approximately 400m from the site. The use is, therefore, not considered to impact on the amenities of neighbouring properties given the separation distances involved and the existence of mature landscaping.
35. There is an existing access into the site and the proposed use would not result in any significant increase in the use of the access or the local highway network.
36. This is a proposal for the erection of a temporary rural workers dwelling and agricultural building. In accordance with current Government advice and the Local Plan, there is a presumption in favour of permitting sustainable economic development in the countryside. The applicant has developed a model for 300 doe rabbit breeding units which have a full time labour requirement. At this scale, the nature of the enterprise requires the key worker to live within sight and sound of the breeding does and, therefore, in practice, on site. A review of the financial information provided in support of the application suggests that the business should be financially viable. It is considered that a three year temporary consent will give the applicant time to demonstrate (or otherwise) the true level of market demand for the additional rabbit meat from this unit. The proposal meets both the functional and financial tests and there are no residential amenity issues or adverse impact on highway safety. The application, therefore, accords with Government guidance as set out in the NPPF and policies and the relevant paragraphs of the adopted Local Plan.
37. Negotiations have not taken place during the consideration of the application and the proposal is considered acceptable and can be recommended for approval.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. This permission shall be for a limited period expiring on the date three years from the date of this permission, on or before which date the occupation of the temporary dwelling shall cease and the building shall be removed from the land, and the land shall be restored to its former condition in accordance with a scheme and timescale to be agreed in writing with the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy HOU4 (New Dwellings in the Countryside) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

2. The permission hereby granted relates to the following plans:

Location Plan

Plan SC/BCH/03 - Block Plan

Plan SC/BCH/04 - Plans and elevations - rural workers dwelling

Plan SC/BCH/04 - Plans and elevations - agricultural building

[For the avoidance of doubt and to comply with Policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

3. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or a widow or widower or spouse of such a person, and to any resident dependents.

[Permission is only granted on the basis of the dwelling being required for an agricultural worker and to comply with policy HOU4 (New Dwellings in the Countryside) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]