

21/01247/OUT

Mr D Oakes

**Councillor J Raven
Councillor C Raven
PENKRIDGE**

Micklewood Stud Micklewood Lane Penkridge ST19 5SD

A dwelling for a rural worker - for the equine and agricultural business.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application site measures 175 sq.m and consists of a square piece of agricultural land adjacent to Micklewood Lane. The site is part of a wider landholding consisting of equestrian and agricultural uses and there are a range of buildings and a menage built in a linear arrangement to the rear of the site.

1.1.2 Apart from an equestrian site situated approximately 200m further south-east along Micklewood Lane, the surrounding area is characterised by open fields in agricultural use. The M6 motorway is situated around 600m to the north-west and Penkridge Village is approximately 2.5 miles to the north-west.

1.2 Planning history

2005-2006: Stables, feed/machinery store and manège, approved following initial refusal (05/00904/FUL, 05/01022/FUL & 06/00212/FUL).

2018, The siting of a park-home for an equestrian worker (for a three-year temporary period) and the erection of a storage building (hay and farm machinery), approved (18/00686/FUL)

2020, An agricultural steel framed building, extending from the present 18.3m x 12.2m steel framed building (via the south-west facing wall) to the rear side of the existing building. For the housing of livestock, namely the lambing and housing of pedigree Poll Dorset Sheep and the rearing of commercial dairy cross beef calves. Essential to further the agricultural business operations at Micklewood Stud Farm, planning permission not required (20/00752/AGR)

2 APPLICATION DETAILS

2.1 Proposal

2.1.1 This is an outline application for a permanent agricultural worker's dwelling to support the existing stud farm and small-scale sheep and cattle enterprise. Approval is sought for access, although all other matters are reserved and would be dealt with via a reserved matters application should this application be approved.

2.1.2 The dwelling would be occupied by the applicants and would replace an existing temporary dwelling which was approved under planning application reference 18/00686/FUL.

2.2 Agents Submission

The application is accompanied by the following:

- Design & Access Statement
- Dwelling House Appraisal
- Supporting Statements
- Accounts information

3. POLICY CONTEXT

3.1 Within the Green Belt.

3.2 Adopted Core Strategy

Policy GB1: Development in the Green Belt

Policy EQ2: Cannock Chase Special Area of Conservation

Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

Policy EQ9: Protecting Residential Amenity

Policy EQ11: Wider Design Considerations

Policy EV7: Equine Related Development

Policy EV8: Agriculture

Policy EV12: Parking Provision

Appendix 5: Car parking standards

Appendix 6: Space about dwellings standards

Adopted Local Guidance

Green Belt and Open Countryside SPD

3.3 National Planning Policy Framework [NPPF]

Chapter 6. Building a strong, competitive economy

Chapter 12. Achieving well-designed places

Chapter 13. Protecting Green Belt land

3.4 National Planning Policy Guidance

3.4.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

3.4.2 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

4. CONSULTATION RESPONSES

Councillors (expired 12/01/22) No comments received

Penkridge Parish Council (comments received 18/01/22) *Councillors said the application was within Green Belt and there was no requirement to provide on-site accommodation for a rural worker*

Environmental Heath (expired 12/01/22) No comments received

County Highways Officer (comments received 02/02/22) *Personal Injury Collisions: Current records show that there was one personal injury collisions (PIC) on Micklewood Lane within 215 metres either side of the location for the previous five years. Micklewood Lane is an unclassified road (Road No. D4395) with a speed limit of 60mph. The road is unlit and has grass verges on either side of the carriageway. The proposal is for a new dwelling with 2No. car parking spaces to replace the existing temporary consent building. The parking will be within the existing curtilage of the site. The changes proposed will not impact severely on the highways network or impact on safety of Micklewood Lane. Recommendations: I have no objection (on Highway grounds) to the proposed development.*

NatureSpace Officer (comments received 28/06/22) Summary:

- The development falls within the amber newt impact zone where there is suitable habitat and high likelihood of great crested newt presence.
 - There are 8 ponds within 500m of the development proposal and there is indirect connectivity between the development and surrounding features in the landscape.
 - The applicant has not provided any ecological information for the site at this stage.
- Therefore, it cannot be determined if there is a likely impact. As such a pre-commencement condition is required to secure further information on likely impact.

Site Notice (expired 13/01/22) Three comments of support received (dated 13/01/22), comments summarised as follows:

- The applicant's father bred horses in the area and the applicant is a blacksmith who shoes many of their friend's horses.
- We have purchased eggs and lamb produced at the site.
- Mrs Taff has supplied myself and others hay for our equestrian yard for many years
- Lambs bred at the site are sold to locals for consumption and are slaughtered to high welfare standards
- The development will be in keeping with the rural area.

5. APPRAISAL

5.1 This application is being determined at Planning Committee as the proposal for a new dwelling in the Green Belt is contrary to Policy GB1 of the Core Strategy.

5.2 Key issues

- Principle of development
- Case for Very Special Circumstances
- Impact on the openness of the Green Belt and the character and appearance of the Landscape
- Impact on the natural environment
- Impact on residential amenity
- Parking and highway safety

5.3 Principle of development

5.3.1 The site is located within the Green Belt where, in line with paragraph 149 of the NPPF and Core Strategy Policy GB1, the construction of new dwellings is considered to represent inappropriate development. Paragraph 137 of the NPPF advises that the Government attach

great importance to Green Belts, the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by

definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.3.2 As stated within Policy GB1 of the Core Strategy there are exceptions to the presumption against new buildings within the Green Belt however these are (amongst others) usually for purposes directly related to agriculture. It is not considered that a dwelling for purposes directly related to agriculture is an acceptable exception, and as such for planning permission to be granted the applicant must identify material considerations amounting to Very Special Circumstances. These considerations will be assessed against the criteria within Core Strategy Policy EV8 (Agriculture).

5.3.3 Paragraph 79 indicates that the development of isolated homes in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at their place of work in the countryside. Paragraph 84 of the NPPF states that planning decisions should enable the development and diversification of agricultural businesses.

5.4 Case for Very Special Circumstances

5.4.1 The proposed dwelling does not fall within one of the categories of exception for development within the Green Belt, furthermore, paragraph 79 of the NPPF states that isolated rural dwellings should not be approved. However paragraph 79 goes on to exempt dwellings to be occupied by rural workers with 'an essential need [...] to live permanently at or near their place of work in the countryside'.

5.4.2 As explained in the Core Strategy, agriculture is an important part of the local economy of South Staffordshire, and is one of its most significant land uses. Core Strategy policy EV8 states that the Council will support proposals for agriculture and related development which is consistent with national policy by guiding development, including the design and siting of new agricultural buildings (including agricultural workers dwellings) to the least environmentally sensitive locations.

5.4.3 Neither the NPPF nor Policy EV8 specifies a mechanism for determining 'essential need' or what constitutes a viable rural 'place of work'. However, Policy EV8 specifies that permanent dwellings for 'occupational workers' will be supported where:

- There is a clearly established existing functional need which cannot 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
- The need relates to a full-time worker
- The unit and 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; and
- The proposal satisfies all other normal planning requirements.

Compliance with these criteria is discussed as follows:

Policy EV8 (Agriculture)

- Functional need

5.4.4 The first element of part g) requires that there is a clearly established functional need which cannot 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 worker concerned.

5.4.5 The proposal is for a permanent agricultural worker's dwelling to support the existing stud farm and small-scale sheep and cattle enterprise. The submitted 'Dwelling Appraisal' advises that the land area owned by the applicant and their partner extends to approximately 10 hectares (25 acres). The enterprises are managed by the applicant who is a farrier and spends the majority of his day working elsewhere. He is assisted in the running of the business by his long-term partner and their daughter who is interested in the equestrian and agricultural activities at the site. The land is understood to be all laid down to grass and grazed by horses and sheep although during the summer some of the land is cropped for hay. The applicants run the site alongside the use of 4 hectares of grazing land at Four Crosses, Watling Street.

5.4.6 At present the equestrian business currently owns 10 mares, 1 foal, 2 sports horses and 2 stallions. There are also visiting horses in livery for foaling and covering. In addition to equestrian activities taking place the applicant's partner keeps a flock of 20 ewes and have reared calves on the holding in the past although calving stopped in 2020 due to the pandemic. The site benefits from a main stable block with 9 loose boxes and a storage area, a 60m x 30m arena, an agricultural building and a livestock building that was erected this year.

5.4.7 An independent assessment has been commissioned by the Council, the author of which notes that in many cases, a foal can be born without human intervention however each foaling needs to be carefully monitored in the event that the mare gets into difficulties. There are also many illnesses that can occur, especially when stabled, such as colic, or a horse becoming cast in their stable, where a human may need to intervene. The livestock kept on the holding, albeit modest in quantity, carries some weight towards the overall need to live on site. Whilst it would not likely be sufficient on its own for a permanent dwelling at this scale, it will aid monitoring ewes when they are lambing, and the care for young calves.

5.4.8 On the basis of the number of brood mares kept on the holding, together with the need to provide round the clock care to both owned and visiting mares and monitoring of the livestock, it is considered that there is a functional need to live on site.

5.4.9 The proposed permanent dwelling is close to the existing buildings on site and would replace temporary accommodation which has been on site for approximately 3 years. The site is located away from the settlement boundary of Penkridge and there are no existing dwellings within a reasonable distance of the site. In the opinion of the Council's independent assessor, it is considered that it would be necessary to live within sight and sound of the stables and farm buildings where the most intensive operations take place.

- The need relates to a full-time worker

5.4.10 The second requirement is that the need relates to a full time worker. The information submitted in terms of functional need demonstrates that a site presence is required on a 24/7 basis to supervise the equestrian uses, livestock and attend to any emergencies.

- Whether the agricultural operation is financially sound

5.4.11 Turning to the third requirement of Policy EV8 part g), the applicant needs to demonstrate that the unit and agricultural activity have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so.

5.4.12 Financial information covering a 3 year period has been provided which demonstrates that, unsurprisingly, the business has been impacted by the pandemic however has been able to increase profits year on year. The accounts information for the previous year are considered to be reflective of a viable business.

5.4.13 As no balance sheets were provided it was initially unclear how the investment in the business has been funded or why the business has such a low expenditure with no costs shown for expenses such as electricity, fuel, machinery etc. Following discussion with the planning agent, the following information was submitted:

- Water

5.4.14 There is an on-site borehole.

- Electricity

5.4.15 This is presently supplied by a diesel generator. The need for electricity is primarily in relation to the mobile home, and so is the diesel is considered as a private expense. For the future in terms of electricity and heating, the thought is to have solar panels to the roofs of the buildings and a ground source heat pump.

- Insurance

5.4.16 The primary insurance for the site is for the mobile home, but then also with provision for the buildings and public liability. As a primary a private expense this is not funded by the business.

- Other fixed costs for year ending April 2021

5.4.17 These were low and minimal (zero in some instances) due to Covid with no movement/transport regarding horses however such costs have arisen for the latest year. In respect of the maintenance and upkeep of the site (and investment regarding the latest building) this is very low because the work is undertaken by the applicant and his long-term partner, as the applicant is a qualified farrier and steel fabricator

- Bedding

5.4.18 There are no costs because a farmer takes the manure off-site in exchange for supplying straw. Likewise, the same person will take some surplus hay in exchange for supplying straw.

5.4.19 The independent assessor has reviewed this additional information and notes that the latest accounts demonstrate a good level of profits. Whilst it is still unusual to have such low costs, the occupants of the site appear to be very self-sufficient. They note that it is also quite common in an agricultural/rural context to exchange goods and services as opposed to

buying and selling, and the representations received seem to confirm the applicant's claim that goods and services are being exchanged.

- Whether the proposal satisfies all other planning requirements

5.4.20 Finally, the fourth criterion of Part g) of EV8 requires the applicant to demonstrate that all other planning considerations have been satisfied. These will be addressed in the following sections of the report.

5.4.21 It is recognised that the restriction of inappropriate development in the Green Belt should be afforded significant weight, however in this instance however I consider that sufficient justification has been provided to suggest that there is a genuine need for a workers dwelling on site which cannot be met by another dwelling. The development would support a business that contributes to the local economy which should also be afforded significant weight.

5.4.22 I therefore conclude that this temporary dwelling complies with the criteria set out within Policy EV8. Other matters that weigh in the balance of considerations are discussed as follows.

5.5 Impact on the openness of the Green Belt and the character and appearance of the Landscape

5.5.1 Policy EQ4 states that the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long-distance views.

5.5.2 Policy EQ11 requires that new development respect local character and distinctiveness, including that of the surrounding development and landscape [...] by enhancing the positive attributes whilst mitigating the negative aspects[.] In terms of scale, [design] and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area.

5.5.3 As previously mentioned, the site already contains several buildings, one of which is a large agricultural/livestock building measuring 5.65m in height. These buildings are arranged in a linear fashion adjacent to the south-eastern site boundary. The proposed dwelling would sit in front of the existing buildings, roughly 25m away from the highway.

5.5.4 Given the relatively modest extent of the application site and the presence of existing buildings adjacent to and behind it, it is considered that a modestly sized dwelling would likely have a limited impact on the openness of the Green Belt or the visual amenity of the wider landscape, subject to detailed design, scale and massing which would be agreed at reserved matters stage should this application be approved.

5.5.5 The provision of a permanent dwelling might have more impact on the landscape than the existing temporary dwelling (a park home) in terms of visibility, scale and massing however a permanent dwelling is likely to comprise of a higher quality design, materials and appearance than the existing temporary dwelling. As such, it is considered that its ultimate impact on local landscape character is likely to be equally acceptable.

5.5.6 It is therefore considered that the proposal complies with Policies EQ4 and EQ11.

5.6 Impact on the natural environment

5.6.1 Policy EQ1 states that permission will be granted for development that will not cause significant harm to sites or habitats of nature conservation, which includes the protection of trees and hedgerows. Policy EQ2 states that permission will only be granted where the proposal will not lead directly or indirectly to an adverse effect on the integrity of Cannock Chase Special Area of Conservation (SAC).

5.6.2 The application site lies within the 0-15km zone of influence for the Cannock Chase SAC. Any application which involves a net dwelling increase within the 0-8km zone of influence of the SAC is required to provide mitigation in the form of a charge for any additional dwellings proposed. Accordingly, the applicant has agreed to enter into a Unilateral Agreement which would be invoked should planning permission be granted. A Habitat Regulation Assessment has also been carried out and Natural England have raised no objections to the proposal.

5.6.3 The dwelling would be situated on an area of existing grassland and no existing trees or hedgerows would be affected, however should this application be approved, a landscaping condition could be added to secure biodiversity enhancements on the site.

5.6.4. The development falls within the amber newt impact zone where there is suitable habitat and high likelihood of great crested newt presence. The Naturespace Officer notes that no ecological information has been submitted in this regard therefore a pre-commencement condition is required to secure further information on likely impact.

5.7 Impact on residential amenity

5.7.1 Policy EQ9 states that new development 'should take into account the amenity of any nearby residents, particularly with regard to privacy [...] and daylight.' Appendix 6 goes on to specify standards for the amenity space around and between dwellinghouses.

5.7.2 There are no other dwellings within view of the site, and the application site is of sufficient size to accommodate a dwelling and a reasonable area of amenity space. The proposed dwelling would be quite close to buildings containing animals, but since it would be occupied only by the applicant and their family there is no conflict with Policy EQ9.

5.8 Parking and highway safety

5.8.1 Core Strategy Policy EV12 and Appendix 5 set out the Council's parking standards. The site is of sufficient size to accommodate a dwelling and associated parking areas and the development would utilise the existing site access. As such, the County Highways Officer has raised no objections on highway safety grounds.

6. CONCLUSION

6.1 This proposal is inappropriate development in the Green Belt and therefore harmful by definition, however a case for Very Special Circumstances has been put forward which is considered to demonstrate a genuine need for a permanent dwelling on site to serve the existing equestrian and agricultural enterprise. The proposal would support the growth of a rural business that contributes to the local, rural economy and would not be detrimental to the openness of the Green Belt or the visual amenity of the landscape. In addition, there are

no concerns arising in respect of the natural environment, residential amenity, or highway safety. On that basis approval is recommended.

7. RECOMMENDATION - APPROVE Subject to Unilateral Undertaking for the Cannock Chase SAC payment

Subject to the following condition(s):

1. The development which this permission relates must be begun not later than whichever is the later of the following dates:
 - a. The expiration of three years from the date on which this permission is granted;
 - b. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before the development commences, and within 3 years of the date of this permission, full details of the following reserved matters shall be submitted to the Local Planning Authority:
 - a. The Layout - The way in which buildings, routes and open spaces are to be provided within the development and their relationship to buildings and spaces in the vicinity of the site;
 - b. The Scale - The height, width, length and overall appearance of each of the proposed buildings, including the proposed facing materials, and how they relate to their surroundings;
 - c. The Appearance - The aspects of a building or place which determine the visual impression it makes;
 - d. The Landscaping - The treatment of private and public space and the impact upon the site's amenity through the introduction of hard and soft landscaping.
3. The development shall be carried out in accordance with the approved drawings: Drawing Number. 200_01 Site Location and Block Plan received 23/11/21
4. As part of the reserved matters application and prior to the commencement of the development hereby approved (including vegetation clearance, site investigations and enabling works), a Preliminary Ecological Appraisal shall be submitted to, and approved in writing by the local planning authority. This shall include, but not necessarily be limited to, an assessment to determine if a licence or non-licensed method statement route is required for great crested newts and consider the following options:
 - a standard European Protected Species Licence from Natural England (which is likely to require a full survey);
 - joining the district licensing scheme; or
 - the use of Reasonable Avoidance Measures (RAMS)

5. The occupation of the development shall be limited to a person solely or mainly working, in connection with Micklewood Stud and their spouse and any resident dependents.
6. This permission does not grant nor imply consent for the existing park home shown on the approved plan 200_01.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. In order to define the permission and to avoid doubt.
4. In order to protect any protected species on site in accordance with Policy EQ1 of the Core Strategy, paragraphs 174 and 180 of the NPPF, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
5. To define the permission, to avoid doubt and because the development is inappropriate in the Green Belt, and would otherwise be contrary to Policies EV8 and GB1 of the adopted Core Strategy.
6. In order to define the permission and to avoid doubt.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.

INFORMATIVES

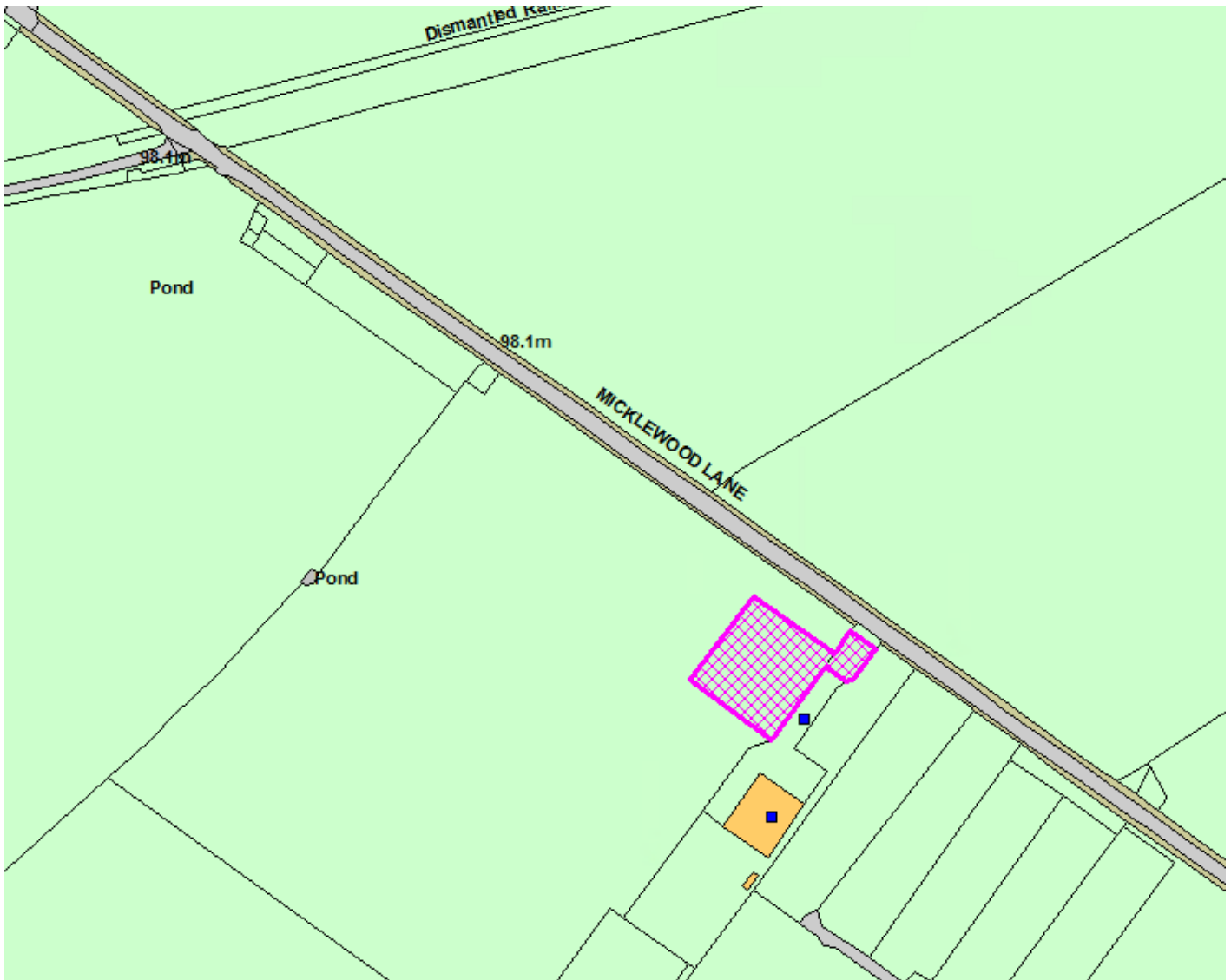
The Council notes that planning permission 18/00686/FUL has expired, and the existing park home is unauthorised. To avoid enforcement action, this should be removed or a fresh planning application should be submitted for it's retention.

Development Low Risk Area Standing Advice - The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

The applicant is reminded that, should the preferred option for great crested newt mitigation be to be covered by South Staffordshire Council's District Licence, a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed would need to be submitted as part of a future reserved matters application, so that the required planning conditions can be attached to reserved matters consent. If the applicant needs to be covered for works before reserved matters, they would need obtain either a non-material amendment

or variation of condition (to be agreed with the local planning authority) to allow these conditions to be added.



Micklewood Stud Farm Micklewood Lane Penkridge Staffordshire ST19 5SD