

**20/00940/FUL
NON MAJOR**

Mr Richard Corbett

PENKRIDGE

**Cllr Len Bates
Cllr Isabel Ford**

Abbey Farms Cannock Road Penkridge

Erection of a single storey agricultural workers dwelling

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1. Site description

1.1.1 The application site measures approximately 0.3 acres and is situated south of an operational poultry farm comprising eight sheds housing some 482,000 birds (60,250 birds per building). In addition to the poultry sheds there are a range of ancillary buildings including silos, feed-blending rooms, a site office and broiler building with site access off Cannock Road.

1.1.2 The site is in a rural location off the Cannock Road (B5012), just south-east of Pillaton, Penkridge. The area immediately surrounding the poultry farm is characterised by open fields however there is a low-density scatter of agricultural and residential buildings and uses to the north-west, including the nearest dwellinghouse (The Woodlands) which is positioned around 600 metres away.

1.1.3A public right-of-way runs parallel to the south-eastern boundary of the poultry farm before turning further to the east. The adjacent fields are bounded by mature hedgerows with trees interspersed along the eastern boundary. The site is generally flat.

1.2. Planning history

2009, Lawful Development Certificate for mobile agricultural chicken sheds/units, approved [09/00417/LUP].

2016, Erection of eight poultry buildings, boiler building, site office, hardstanding, drainage attenuation pond and associated infrastructure, approved [16/00527/FUL and 16/00527/COND].

2018, Erection of a temporary agricultural worker's dwelling, approved [18/00126/FUL]

2019, Installation of a renewable heating system, approved [19/00262/FUL]

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 It is proposed to erect a single storey dwelling for occupation by an agricultural worker (specifically, the Poultry Farm Manager), to replace the existing temporary dwelling approved under application number 18/00126/FUL.

2.1.2 The dwelling would be roughly rectangular, measuring a maximum width of 8.6m and length of 12.6m. A single garage would be attached to the southern corner measuring 7.3m

by 3.7m. The bungalow would provide 3 bedrooms and would be finished with a hipped roof of maximum height 5.5m [to ridge, 2.5m to eaves].

2.1.3 Access and parking would be via a new driveway off the existing entrance into the poultry farm.

2.2 Supporting documentation

2.2.1 The application is supported by a Planning Statement, a Design & Access Statement and a Unilateral Undertaking in respect of the Cannock Chase Special Area of Conservation.

3. POLICY CONTEXT

3.1 Within the Green Belt.

3.2 Adopted Core Strategy

Core Policy 1: The Spatial Strategy

Policy GB1: Development in the Green Belt

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

Policy EQ9: Protecting Residential Amenity

Appendix 6: Space about dwellings standards

Policy EQ11: Wider Design Considerations

Core Policy 9: Rural Diversification

Policy EV8: Agriculture

Core Policy 11: Sustainable Transport

Policy EV12: Parking Provision

Appendix 5: Car parking standards

3.3 NPPF

Chapter 5: Delivering a Sufficient Supply of Homes

Chapter 12: Achieving well-designed places

Chapter 13: Protecting Green Belt land

4. CONSULTATION RESPONSES

Councillors [expired 25/12/20] No comments received

Parish Council [expired 03/03/21] No comments received

Environmental Health [expired 25/12/20] No comments received

County Highways [comments received 18/12/20] *No objections subject to condition to secure the parking area.*

Severn Trent Water [comments received 16/12/20] *As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.*

Penkridge Civic Society [expired 25/12/20] No comments received

Natural England [comments received 09/02/21] *Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.*

Site Notice [expired 05/01/21] No comments received

5. APPRAISAL

5.1. This application is referred to Planning Committee as the proposal is contrary to Policy GB1 of the adopted Core Strategy.

5.2. Key issues

- Principle of the development
- Case for Very Special Circumstances
- Impact on the openness of the Green Belt and the character of the area
- Impact on residential amenity
- Highways/parking
- Cannock Chase Special Area of Conservation (SAC)

5.3. Principle of development

5.3.1 The site is located within the Green Belt where the construction of new dwellings is considered to represent inappropriate development. Paragraph 133 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 is for purposes directly related to agriculture 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 of the NPPF 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 83 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. Policy EV8 (Agriculture)

5.4.2 As discussed within the Core Strategy, agriculture is an important part of the local economy of South Staffordshire and is one of the 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 Policy EV8 g) goes on to set out criteria in which applications for temporary agricultural and rural occupational dwelling should be assessed.

5.4.4 Functional need

5.4.5 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.

5.4.6 The submitted Planning Statement details that the farm employs 5 full time workers on site, assisted by contract staff during peak periods. The application site is an intensive livestock unit extending to 482,000 birds, and is reliant on automated fan assisted ventilation, heating, feed and water systems which are controlled via specialist computer systems.

5.4.7 The vast numbers of the livestock are such that there is a requirement for a manager to reside on the site for the proper functioning of the enterprise and to maintain animal welfare. Out of hours labour includes round the clock supervision of monitoring chicks, feed, water, ventilation and temperature throughout each growing cycle.

5.4.8 All of the automated systems must be monitored constantly as failure can cause serious welfare issues for the birds and it remains essential for workers to be immediately available to attend to emergencies which can occur at any time.

5.4.9 The Planning Statement explains that the functional needs of the business are site specific and a manager needs to reside on the site, within sight and sound of the poultry buildings. There are no existing dwellings in the locality which are capable of satisfying the extremely site specific functional needs. The response to emergencies associated with a system failure need to be instant in order to avoid losses.

5.4.10 The operation is located in a fairly isolated area with limited residential uses within a reasonable distance. The majority of the properties located further north-west along the Cannock Road are large expensive properties which are unlikely to be suitable. There is an extant approval for a temporary workers dwelling on the site (planning application reference 18/00126/FUL) however there is a condition for removal of the dwelling (a caravan) by 21st August 2020.

5.4.11 Requirement for a full time worker on-site

5.4.12 The second requirement is that the need relates to a full time worker. The above information confirms that there is a need for round the clock supervision of the poultry operation to maintain systems and to attend to emergencies.

5.4.13 Whether the agricultural operation is financially sound

5.4.14 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.

This application is submitted following a previous grant of planning permission for a temporary workers dwelling on the site (planning application reference 18/00126/FUL). At that time, it was considered that the proposal for a permanent workers dwelling was premature. Given that the poultry farm was estimated to have started operating in August 2017, at that time this criteria could not be met. On that basis, temporary consent was granted, with a condition for removal of the dwelling by 21st August 2020.

5.4.15 The applicant has submitted accounts information showing a profit for a three year period up to year ending March 2021 (the latter part of which is projected). The business is estimated to have been operating since August 2017 with an initial investment of 7.2 million. On this basis the business appears to be financially sound with a clear prospect of remaining so.

5.4.16 *Whether the proposal satisfies all other planning requirements*

5.4.17 Finally, the fourth criterion of Part g) of EV8 requires the applicant to demonstrate that all other planning considerations (i.e. siting, access etc) have been satisfied. These will be addressed in the following sections of the report.

5.4.18 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.

5.5. Impact on the openness of the Green Belt and the character of the area

5.5.1 As mentioned previously, one of the key functions of the Green Belt is to protect openness. Policy EQ4 of the Core Strategy states that the intrinsic rural character and local distinctiveness of the landscape should be maintained, whilst Policy EQ11 states that the design of all developments must be of highest quality and should respect local character and distinctiveness.

5.5.2 The proposed dwelling would be visible from the highway however it would be seen against the backdrop of the poultry units which extend to an overall height of 5.9m (compared to the dwelling's maximum roof height of 5.5m [2.5m to eaves] and are significantly wider. The dwelling would be set back from the highway by 13.5m and is designed to include features such as headers and cills to add interest to its appearance. On this basis it is considered that there would be a very limited impact on the openness or visual amenity of the Green Belt or the character of the area.

5.6. Impact on residential amenity

5.6.1 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 spaces around and between dwellings.

5.6.2 Given the distance to the nearest dwellinghouse (circa 600m) it is clear that the proposed dwelling would have no impact on residential amenity. The dwelling itself would benefit from generous amount of amenity space. The proposal therefore complies with Policy EQ9.

5.7. Highways/parking

5.7.1 The dwelling would benefit from a new driveway accessed off the main entrance into the site, providing ample space to meet the parking requirement of 2 spaces and thus complying with Policy EV12.

5.8 Cannock Chase Special Area of Conservation

5.8.1 The application site lies within the 0-8km zone of influence for the Cannock Chase Special Area of Conservation (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.

6. CONCLUSION

6.1 The proposal for a new dwelling constitutes inappropriate development in the Green Belt and is therefore harmful by definition. However, the applicant has demonstrated a clear functional need for a workers dwelling to support the agricultural enterprise on a round the clock basis, thus amounting to the very special circumstances needed to outweigh the developments harm. The proposal would have no material impact on the openness of the Green Belt or the character or the area and there are no concerns arising in respect of parking/highways or residential amenity. Approval is therefore recommended.

7. RECOMMENDATION - Delegate APPROVAL to the Team Manager to issue the decision on completion of a satisfactory Unilateral Undertaking.

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: IP/RGC/01 Location Plan, IP/RGC/02 Site Layout Plan A1 IP/RGC/03 Elevations and Floor Plans received 30/10/20.
3. The development hereby approved is not a dwellinghouse for the purposes of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) or any subsequent equivalent legislation.
4. The development hereby approved shall be occupied by a person primarily employed in the operation of the adjoining agricultural unit, their relatives, dependents and/or household staff, and by no other person.

5. Unless otherwise agreed in writing by the Local Planning Authority, the existing temporary agricultural workers dwelling (approved under 18/00126/FUL) shall be removed from the site in its entirety within one month of the occupation of the new dwelling .
6. The development hereby permitted shall not be brought into use until the access drive and parking area has been provided in accordance with the approved plans.
7. Notwithstanding what is shown on the approved plans, before development commences, details of the facing materials to be used on the wall and roof of the development shall be submitted to the Local Planning Authority for approval. The development shall be carried out in the approved materials.

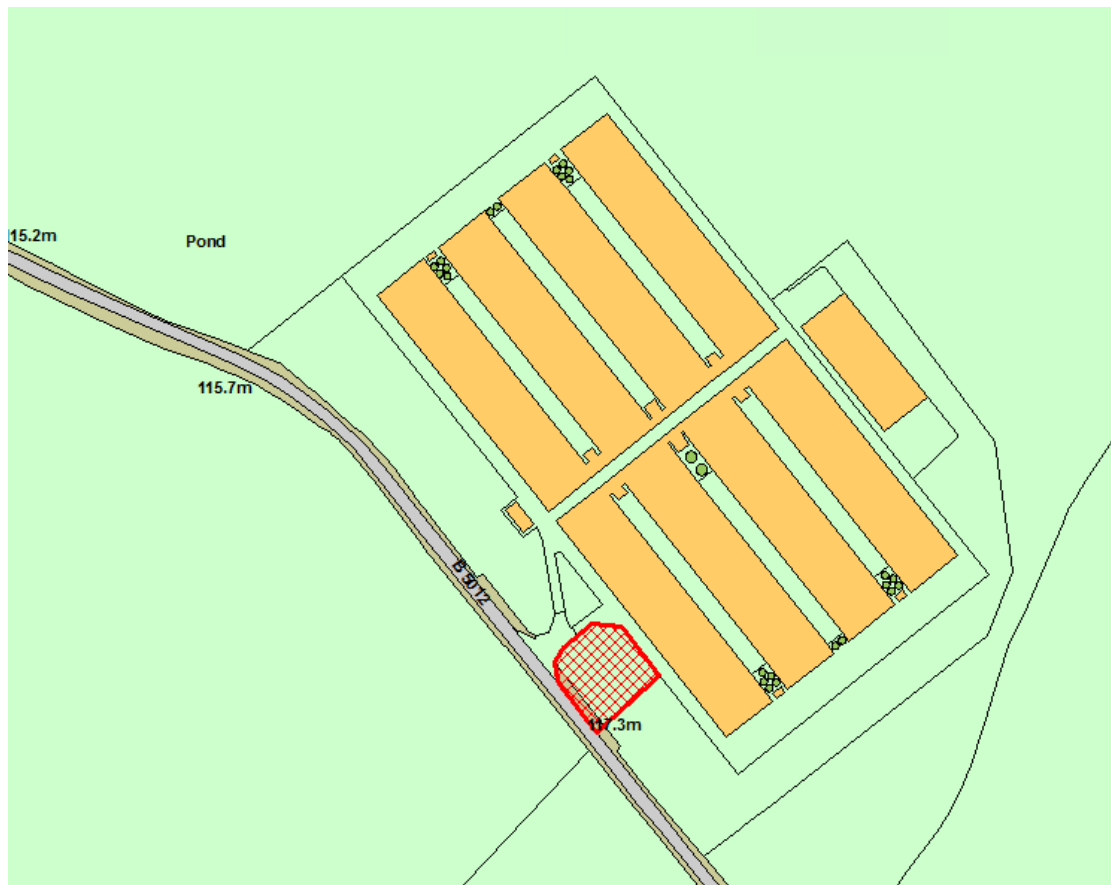
Reasons

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. In order to define the permission and to avoid doubt.
3. 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.
4. 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.
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 the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
7. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

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, 2019.

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



Abbey Farms, Cannock Road, Penkridge