

**23/00240/FUL**  
**NON MAJOR**

**Mr Nick Brassington**

**HATHERTON**  
Councillor David Williams  
Councillor Jeff Ashley

**Oak Lane Farm Oak Lane Calf Heath Staffordshire WV10 7DR**

**Proposed detached agricultural worker's dwelling.**

<b>Pre-commencement conditions required:</b>	<b>Pre-commencement conditions Agreed</b>	<b>Agreed Extension of Time until</b>
<b>Yes</b>	<b>Yes - 06/02/24</b>	<b>1 March 2024</b>

## **1.0 SITE DESCRIPTION AND APPLICATION DETAILS**

Proposed detached agricultural worker's dwelling.

Date of site visit - 14 September 2023

### **1.1 Site Information and Proposal**

1.1.1. The application site measures 0.11 hectares which is currently included within the R.H. Brassington & Sons Farm property, which includes approximately 600 acres on both the east and west sides of Oak Lane. A supplemental map provided with the application documents indicates that R.H. Brassington & Sons Farm also owns approximately 58 acres located 1.25 miles to the northeast, between Roman Road, Wellington Drive and Poplar Lane. There is not direct connectivity between the land holdings along Oak Lane and those some 1.25 miles to the northeast. The Planning Statement notes that the Brassington family manages an area of approximately 190 acres but leases the remainder of their landholdings. The land managed by the Brassington family is devoted to beef and dairy cattle, with 1100-1200 cattle on site.

1.1.2. The site proposed for a farmhouse is located on the east side of Oak Lane within the Hatherton Parish. The application proposes a detached, two storey dwelling with a total floor area of approximately 110sq m including three bedrooms and two bathrooms. A dual pitched roof is proposed with a peak height of 8.1m. The proposed site plan notes utilising the existing access point from Oak Lane, repositioning the gates approximately 9m in from the highway. The Planning Statement notes that the majority of electricity would be provided via solar panels with heating and hot water provided by an air source heat pump. Both elements are indicated on the proposed plans.

1.1.3. According to the application documents the proposed dwelling is for the cattle stockman, who is the applicant's son. The applicant's son currently lives in Cannock, but is intended to take responsibility for the day-to-day operations on the farm, along with the applicant's younger brother who resides at Oak Lane Farm House (approximately 75m to the south of the application site, amongst the cattle sheds). The applicant himself lives at The Acorns (immediately to the south of the application site) and wishes to remain active on the farm but to reduce his day-to-day commitments.

### **1.2 Agent's submission**

1.2.1. The agent has provided the following documents in addition to a standard application form, maps and plans:

- Design and Access Statement and Planning Statement
- Great Crested Newt Habitat Assessment Report
- Confidential financial figures which have been reviewed but which will not be repeated within this public report.
- Email (received 8/11/23) noting the following:

*“It is important to our business and the safety of our staff and livestock that we have enough people on site to deal with calving cows, sick animals and animals which sometimes escape, especially outside of normal working hours when other staff have gone home. Calving or calved cattle can be aggressive protecting their newborn calves. Cast or sick cows weigh in excess 650 kg and can take a number of people to get them comfortable or in less dangerous position.*

*At Oak Lane Farm there is one single storey brick and tile building ground footprint approx. 20 metres by 12 metres. This has a steel span shed less than 0.5 metre on the east side and another steel span shed connected on the south side. The west and north have concrete driveways around (please see attached photos). This building currently houses the farms electric supply meters, distribution boards and solar panel feed in. Also housed is the vacuum pump, compressors, ice builder and heat exchanger for milking the cows. The farm office, laundry, toilet, spray store, some corn storage and general storage are also housed in this building. This building is not suitable for conversion to a dwelling. We also have a static caravan in which our worker lives for 6 to 7 months of the year at busy times.*

*There are very few properties that come available in Oak Lane. There have been two properties on the market in our lane recently one a converted stables and a semi-detached house both over £500,000. Houses in Calf Heath village are in excess of £400,000.”*

- Email (received 20/11/23) noting the following key points:

Mr R. Brassington and Mrs A. Brassington are semi-retired/retired but are partners in the farm business and live in Cheslyn Hay.

Mr J. Brassington at The Old Farm House on the farm. Julian has two post school teenagers neither of whom have any interest in farming.

Mr N. Brassington lives at The Acorns on the farm. They have two children a daughter and a son (Ben) who is a full time employee of the farm and would live in the proposed farm workers dwelling. Ben is married and has a two year old son. Obviously they may have more children hence the three bedroom house.

The caravan has planning permission and is sited to the south side of The Old Farm House. The caravan has been there for around 12 years. Damian, who resides in the caravan has been with us for 8 years. He is an important member of staff covering holidays and busy periods such as sowing and harvesting working six to eight months a year which we would still need even if Ben lived back at the farm.

The farm also has five more staff members, two full-time and three part time, all of whom live a fair distance from the site.

- Email received (27/11/23) noting the following:

*"I have attached some pictures of the building previously mentioned showing vacuum pump, compressor, ice builder, heat exchanger and farm electrics. There are pictures of farm office, staff kitchen and staff toilet and laundry. Also pictures of corn store, general store and spray store. I think the converting this building to a dwelling would be impossible as I don't know where we could resight this equipment as it needs to be next to the milking parlour. The building has no proper cavity for insulation, is in a poor state of repair so far as the roof is concerned (we have recently bought tin sheets to replace the tiles). The building is also surrounded by concrete roads and steel span buildings with no opportunity for a garden. All other buildings on the farm are of steel span construction. I have also attached a couple of pictures of the caravan.*

*I have spoken to a builder and he estimates a dwelling of the one proposed would cost about £150,000 but costs are coming down at the moment."*

### **1.3 SITE HISTORY**

#### Planning applications

86/00965 Farmworkers Dwelling Approve Subject to Conditions 18th August 1986  
95/00621 Farm Building Approve Subject to Conditions 28th September 1995  
94/00878 Storage of Caravans Refuse 22nd November 1994, Appeal Dismissed 12th September 1995  
94/00018/AGR Agricultural Buildings 17th August 1994  
97/00012/AGR General Farm Building 5th September 1997  
98/00820 Agricultural Workers Dwelling Refuse 1st December 1998  
04/01195/FUL Farm building for wintering tractors and storage of straw. Approve Subject to Conditions 9th November 2004  
04/01453/LUE Certificate of lawfulness for storage of HGV vehicles Approve 14th September 2006  
07/00209/COU Mobile home Refuse 4th June 2007  
07/01237/TEM Retention of agricultural worker's mobile home for three years Approve Subject to Conditions 9th January 2008  
09/00656/FUL Erection of cattle cubicle shed Approve 24th September 2009  
11/00635/FUL Slurry store to be excavated for nitrate vulnerable zones which becomes law on Jan 1st 2012. Will be dug and lined with an approved product complete with pump and agitator. Approve Subject to Conditions 26th October 2011  
12/00671/AGR Cattle shed 24th September 2012  
12/00720/LUP Proposed two storey front extension Approve 19th December 2012  
12/00829/FUL Cattle shed Approve Subject to Conditions 28th November 2012  
13/00465/LUP Proposed Two Storey Front Extension Approve 14th June 2013  
17/00601/FUL New livestock building 41.148mts long, 12.192 mts wide, 4.269 mts high to eaves plus 15% roof pitch this building is to house young replacement cattle for our milking herd Approve Subject to Conditions 15th September 2017  
17/00762/FUL Agriculture (New calf shed) Approve Subject to Conditions 9th October 2017

### **1.4 POLICY**

#### **1.4.1. Constraints**

Coal Authority Low Risk Area Name: Coal Authority Low Risk Development Area:  
Newt - Impact Risk Zone Amber Name: Great Crested Newt Amber Impact Zone:  
SAC Zone- 8km Buffer Zone: 8km

#### **1.4.2. Policies**

- **Within the Green Belt.**

- **National Planning Policy Framework**

Chapter 5: Delivering a Sufficient Supply of Homes

Chapter 12: Achieving well-designed and beautiful places

Chapter 13: Protecting Green Belt land

- **Adopted Core Strategy**

Core Policy 1: The Spatial Strategy for South Staffordshire

GB1: Development in the Green Belt

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

EQ1: Protecting, Enhancing and Expanding Natural Assets

EQ4: Protecting the Character and Appearance of the Landscape

EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

EQ11: Wider Design Considerations

EQ12: Landscaping

Core Policy 9: Rural Diversification

EV8: Agriculture

EV11: Sustainable Travel

EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space About Dwellings Standards

- **Supplementary Planning Documents**

Design Guide 2018

Green Belt and Open Countryside 2014

## 1.5 CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise and comments are summarised.

Site Notice Expires	Press Notice Expires
5 October 2023	N/A

### **Councillor David J Williams Huntington and Hatherton Ward**

12th September 2023

I have no comments to make at this time but reserve the right to comment or call into committee following Parish and Resident concerns

### **Councillor Jeff Ashley - Huntington and Hatherton Ward**

No Response Received

### **Hatherton Parish Council**

17th October 2023

No objection

### **Senior Ecologist - South Staffordshire**

6<sup>th</sup> February 2024

Based on the size of the scheme and the habitat in the construction footprint, I'd be inclined to agree with Naturespace's conclusion in this instance and am satisfied with a method statement for this site providing the applicant understands the risks of doing so and having to (potentially) pause works if a GCN is found. A pre-commencement condition is recommended to secure a GCN Method Statement.

**County Highways**

15th September 2023

Recommendation Summary: Conditional

Site Visit Conducted on: 14-Sep-2023

No objections subject to condition to secure the parking and turning area as proposed. Note to Planning Officer - The proposed development is located in a rural area with an existing vehicular access from an unclassified road subject to the National Speed limit of 60 mph. There are no recorded vehicular accidents at the existing access in the last 5 years.

**Severn Trent Water Ltd**

3rd October 2023

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.

**NatureSpace Partnership Newt Officer (Staffordshire)**

11th September 2023

It is located in the Amber Impact Risk Zone for great crested newts and the ecological report supplied identifies two ponds with possibility of supporting newts with some connectivity between them via the development site. However, due to the scale and location of the development further surveys are considered disproportionate. Therefore, it is recommended that a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist is produced, to show that the works will be carried out following best practice procedures. An informative is also recommended.

**Natural England**

11th September 2023

No objection - subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Cannock Chase Special Area of Conservation. In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured: - delivering mitigation, for recreational impacts on Cannock Chase SAC, by means of the Strategic Access Management & Monitoring (SAMM) measures. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

**Internationally and nationally designated sites**

The application site is within close proximity of the Cannock Chase Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions., providing that all mitigation measures are appropriately secured in any permission given.

Cannock Chase SSSI - No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

### **Contributors**

No comments received

## **2.0 APPRAISAL**

- **Principle of development**
- **Impact on the openness of the Green Belt**
- **Case for Very Special Circumstances**
- **Impact on visual amenity of the Green Belt and character of the area**
- **Access, parking & highway safety**
- **Residential and Occupier Amenity**
- **Ecology & biodiversity**
- **Cannock Chase Special Area of Conservation**
- **Human Rights**

2.1 The application has been referred to Planning Committee for determination as it is contrary paragraphs 152 and 154 of the NPPF and Policy GB1 of the Core Strategy.

### **2.2. Principle of development**

#### **2.2.1. Spatial Strategy**

2.2.2. Core Strategy Core Policy 1 (or 'CP1') states that throughout the district, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Calf Heath is identified within the Core Strategy as an 'other village or hamlet' which is not identified for housing growth and is restricted to particular types of development including affordable housing, tourism, sport and recreation and to support the local rural economy and rural diversification.

2.2.3. NPPF Paragraph 84 states that planning decisions should avoid the development of isolated homes in the countryside, subject to a number of exceptions, one of those being 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 83 of the NPPF also states that planning decisions should enable the development and diversification of agricultural businesses.

2.2.4. Consequently, providing the application demonstrates an essential need for a rural worker to reside on site, the proposal would comply with the provisions of the NPPF and Core Policy 1. The proposal would also support the local rural economy by supporting the ongoing successful operation of a farming enterprise which is supported by Core Policy 1.

### **2.3 Green Belt**

2.3.1. The site is located within the Green Belt where the construction of new dwellings is considered to represent inappropriate development. Paragraph 142 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.

2.3.2. 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).

## **2.4 Impact on the Openness of the Green Belt**

2.4.1. Openness is an essential characteristic of the Green Belt. The application site is currently a portion of an agricultural field. As such, the proposed dwelling would develop land that is currently undeveloped, as it is the point at which the cattle sheds and two adjacent dwellings on the Brassingtons' land transitions from buildings to agricultural land. Therefore, as the proposed dwelling would increase the built form on the site, it would lead to a reduction in openness. The use of the land for residential purposes also has the potential to introduce domestic paraphernalia in the Green Belt (i.e. outdoor seating areas as indicated on the proposed plans etc), further impacting on openness.

2.4.2. The residential use of the land is a form of encroachment into this part of the countryside, and conflicts with one of the purposes of including land in the Green Belt as identified in paragraph 143 of the NPPF. It is considered that the presence of a permanent dwelling combined with the potential associated residential curtilage would be likely to erode the openness of the Green Belt, identified in paragraph 143 of the NPPF as one of its essential characteristics. This in itself constitutes harm to the Green Belt.

## **2.5 Case for Very Special Circumstances**

2.5.1. In line with NPPF paragraph 153, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

2.5.2. As set out above, it is considered that the proposed permanent dwelling would have a greater impact upon the openness and character of this part of the countryside and, for the reasons already set out above, would amount to inappropriate development in the Green Belt and is therefore harmful. Against this backdrop, it must be considered whether very special circumstances have been presented or otherwise exist, which might outweigh the substantial harm to the Green Belt. The applicant's case for Very Special Circumstances are considered as follows.

2.5.3 The Applicant's case is that there is an essential need for his son to live on the site to service the business. The NPPF does not provide guidance on what constitutes an essential need. In order to determine whether a need is essential it is necessary to establish whether there is a physical need for someone to be on site most of the time (e.g. to care for animals or work the land), and whether the proposed operation itself has reasonable medium to long term prospects of success.

2.5.4. Policy EV8 of the Core Strategy sets out certain criteria which proposals for permanent agricultural and occupational workers must satisfy, which provides a useful checklist to assess the application, these being:

- 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 the agricultural activity concerned have been established of 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;
- The proposal satisfies all other normal planning requirements.

2.5.5. Compliance with each of the criteria is considered in turn as follows:

## **2.6 Functional need**

2.6.1. 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.

2.6.2. The existing enterprise operated from the site comprises two existing dwellings (occupied by the applicant who intends to remain, and the applicant's brother), as well as a number of cattle sheds for the enterprise's 1100-1200 cattle. The proposed dwelling intended to provide permanent on-site residential accommodation for the applicant's son.

2.6.3. The submitted Planning Statement provides the following detail:

- Mr Julian Brassington (a business partner) has resided in the main farmhouse since 2003, enabling him to be on site to assist in the husbandry tasks of the dairy and beef enterprises throughout the day and night, as required for his full-time role in the business.
- Mr Nick Brassington (also a business partner) also resides at Oak Lane Farm, in an agricultural workers dwelling, The Acorns. Nick also provides essential labour for and management of the dairy and beef enterprises, but due to limitations on his health is less able to contribute to the more labour intensive tasks, such as calving.
- There is also a part time worker who resides on site in temporary accommodation and assists with casual labour for relief milking and seasonal demands. The business also employs five more workers, two full time and three part time, all of whom live off site.
- The accommodation is proposed to be occupied by B.Brassington (son of the applicant) who has obtained various qualifications in agricultural practice and has been employed by the business for 10 years. He currently resides off-site in Cannock, which reduces the responsibility and management contributions he is able to make to the husbandry tasks at present, specifically the labour requirements of calving, which often occur at night and at short notice.
- As aforementioned, R.H. Brassington & Sons owns approximately 600 acres of land on the east and west sides of Oak Lane, with the Brassington family managing an area of approximately 190 acres and leasing the remainder of their landholdings. The land managed by the Brassington family is devoted to beef and dairy cattle, with 1100-1200 cattle on site. Based on aerial imagery, there are approximately 15 cattle sheds on the property, located 60m to the south of the proposed dwelling site. It should be noted that the physical number of cattle sheds is difficult to ascertain as many of the sheds have been previously extended and are interconnected in various manners.
- The herd operates a year-round calving pattern, necessitating regular visual monitoring throughout the night to identify cows requiring assistance and act accordingly where needed at short notice.



There is a large requirement for out of hours labour associated with the dairy herd, most crucially during calving. Due to the nature and demands of the work involved, it is necessary for at least two suitably experienced and competent individuals to be present on the farm each night throughout the year for assisting with calving, to ensure both the safety and welfare of the farm workers and cattle being assisted.

2.6.4. Although there are already two suitably qualified workers who reside on site, one of them is unable to assist with calving due to health issues. The part time worker who lives in the temporary accommodation for 6-7 months a year is described as casual labour who assists during busy periods, rather than an experienced stockman. It is evident from the information provided, due to the number of cattle on site and the calving pattern, at least two stockmen need to be within sight and sound of the herd at all times to assist with calving, escaped or sick animals in order to avoid losses.

2.6.5. With the exception of the existing rural workers temporary accommodation (which is already occupied part of the year by a longstanding casual worker) there is no other accommodation available on site that is unoccupied, nor are there any other buildings which might be converted to create the required dwelling. The applicant has provided photos of the existing brick buildings however they are already in use for milking equipment, farm office, and corn/general storage.

2.6.6. The operation is located in a relatively isolated area with limited residential uses within a reasonable distance. The majority of the properties located further south-west in Calf Heath are primarily large expensive properties which are unlikely to be suitable. At the time of drafting this report (February 2024) there were four properties for sale in Calf Heath, the most affordable being on sale for £315,000.

2.6.7 The next closest settlement is Four Ashes, which is around 1.5 miles to the west. There are limited residential properties available here and at the time of writing there was one property for sale, a bungalow, which was marketed at £385,000. Wedges Mills is situated approximately 1.2 miles east of the site. At the time of writing there were two properties for sale that were under £250k however both were around 2 miles from the site, hence they would not enable the worker concerned to be within sight and sound of the site to assist with calving etc. Given the clustered nature of the existing cattle sheds and the two existing dwellings at Oak Lane Farm, the proposed siting of the subject dwelling is located in necessary proximity to the aforementioned functional needs.

2.6.8. Given the information that has been presented with this application, and based on the numbers of cattle that reside at the site it is considered that there is a clear functional need for someone to be present on site at most times (both day and night) to ensure the proper functioning of the enterprise and avoid losses. There is clearly no available or affordable alternative accommodation within a reasonable distance of the site, and it is clear that whilst there will most likely be affordable properties in nearby settlements, their distance from the site renders them unsuitable. It is therefore considered that the functional need and consideration of alternative accommodation tests have been met.

## **2.7 Requirement for a full-time worker on-site**

2.7.1. 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 operation to ensure the welfare of the livestock on site. Although two suitably qualified full-time workers already reside on site, one of them is unable to assist with calving and there is a need for two workers to assist with calving and sick and escaped animals.

2.7.2. The submitted Planning Statement sets out that Oak Lane Farm employs 5 full time agricultural workers, which includes two of the business partners (Mr J. Brassington and Mr N. Brassington), one part time worker and up to 5 further individuals, who provide casual labour to support business activities.

2.7.3. The statement includes an industry recognised Farm Management breakdown of standard man days (SMDs) to cover the labour requirement to include field work, fodder making and maintenance/management which is calculated as being equivalent of 2835.90 SMDs. It is generally accepted that 275 Standard Man Days are provided by a full-time agricultural worker therefore this equates to a need for 10 full time workers.

2.7.4. As discussed within the previous section of this report, a functional need is considered to have been demonstrated and the calculations put forward corroborate the labour requirement. On the basis of the evidence presented, it is considered that the need for a full-time worker has been demonstrated and the relevant test has been met.

## **2.8 The agricultural operation is financially sound**

2.8.1. 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.

2.8.2. According to the financial statements provided there are five main sources of income to the current enterprise, these being: milk, livestock, single farm payment, a stewardship scheme and sundries. The details of the financial statements that have been are confidential and will not be restated here; however, the statements provided indicate that R.H. Brassington & Sons has been profitable in both 2022 and 2023. According to the applicant the farm business is over 60 years old, firstly as R.H. & A.S. Brassington and for the last thirty years as R.H. Brassington & Sons.

2.8.3. The applicant has confirmed that the dwelling would belong to the farm as a farm-workers dwelling and the build cost (estimated to be around £150k) would be financed by the farm either by loan or mortgage out of the business. The applicant has submitted accounts information showing an increasing profit for a two-year period and the business is estimated to have been operating for over 60 years. On this basis the business appears to be financially sound with a clear prospect of remaining so.

## **2.9 Whether the proposal satisfies all other normal planning requirements.**

2.9.1. Although there are no saved local plan or national policies concerning the scale of rural workers dwellings, it is still necessary to consider whether the size of the proposed dwelling is commensurate with functional need of the enterprise. It is important to note that it is the requirements of the enterprise, rather than those of the owner or occupiers, that are relevant in determining the appropriate size of an occupational workers dwelling.

2.9.2. As stated previously, the proposed dwelling would be two storeys in form and have a floor area of some 110sq. m. to include three bedrooms and two bathrooms. It is considered that the scale and nature of the accommodation proposed is not excessive and is commensurate with the functional needs of the business enterprise.

2.9.3 With regard to other planning matters, the site is not located within an area liable to flooding. Foul water drainage would be disposed of via a septic tank facility. Any matters relating to the capacity of the drainage facilities would be a matter for Building Regulations.

2.9.4 Excess surface water would be discharged via the soakaway system. The proposed block plan indicates that the proposed rear patio and front parking area would be finished with porous paving. The Planning Statement notes that the majority of electricity would be provided via solar panels with heating and hot water provided by an air source heat pump. Both elements are indicated on the proposed plans. In such regards, the development is considered to be in line with the aspirations of the Council's Sustainable Development SPD (2018). Ecology and biodiversity matters are considered further within Section 7 below.

### **3.0 Conclusion on essential need**

3.0.1 For the reasons set out above, it is considered that there is a functional need for a full-time worker to reside on the site in connection with the enterprise, and that this business appears to be financially sound (based upon the evidence presented) and has clear prospects of remaining so. That being the case, the applicant has demonstrated an essential need for the construction of a permanent dwelling in association with the enterprise and the proposal would therefore accord with Policy EV8 of the adopted Core Strategy.

### **3.1 Impact on visual amenity of the Green Belt and character of the area**

3.1.1 Policy EQ4 of the Core Strategy advises 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". Core Policy 4 similarly seeks to promote high quality design and respect and enhance local character and distinctiveness of the natural and built environment. Policy EQ11 advises that new development should seek to achieve creative and sustainable designs that consider local character and distinctiveness, whilst having regard to matters of use, movement, form and space. Finally, the Council's Design Guide SPD amplifies the principles set out in Policy EQ11 of the Core Strategy.

3.1.2. The NPPF (Section 12) advises that "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". The document continues to state that "development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design".

3.1.3 Paragraph 135 of the NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:

- function well and add to the overall quality of the area;
- establish a strong sense of place;
- be sympathetic to local character and history, and reflect local surroundings and materials;
- create safe and accessible environments; and
- be visually attractive as a result of good architecture and appropriate landscaping.

3.1.4. Oak Lane Farm on the whole is readily visible from the highway due to the distance of the buildings from the highway and the generally level terrain. The proposed dwelling would be sited approximately 25m from the highway, in line with the existing front building line of The Acorns to the south. Whilst the proposed dwelling would occupy a prominent position within the landscape, the dwelling would to some extent be read as part of the existing complex of buildings and two existing dwellings which comprise the Brassington farm.

3.1.5. Whilst the proposed site plan does indicate a ranch type timber fence along three sides of the curtilage, it is considered necessary and reasonable to apply a suitable landscape condition to ensure delivery of adequate screening to ensure compliance with Policy EQ12 of the Core Strategy.

### **3.2. Access, Parking & Highway Safety**

3.2.1. Appendix 5 of the Core Strategy provides guidance on the Council's car parking requirements for new development. The proposed site plan indicates parking for two vehicles adjacent to the dwelling, as well as turning space to the front of the dwelling. As the dwelling is proposed to have three bedrooms, providing two parking spaces meets the requirements of the Core Strategy.

3.2.2. County Highways has recommended approval of the application, subject to a condition which has been included below. As such the proposal is considered to accord with Policy EV12 and the Parking Standards.

### **3.3. Residential and Occupier Amenity**

3.3.1. In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

3.3.2. There is approximately 12.5m between the southern-facing side wall of the proposed dwelling and The Acorns. Whilst there is one first floor window proposed it is to an en-suite and noted on the proposed elevations as being obscure glazing. Of course, The Acorns is also owned by the applicant, with the proposed dwelling to be occupied by his son. Given the distance between the side walls of the dwellings, it is considered that the proposed dwelling would not give rise to a material impact on the amenity of the occupants of The Acorns. Accordingly, there is no conflict with Policy EQ9.

3.3.3. Paragraph 1.10 within Appendix 6 'Space about dwellings standards', seeks for the appropriate level of garden amenity space for outdoor recreation. The proposed dwelling would benefit from moderate garden length and area, meeting the requirements of the Core Strategy for a three-bedroom dwelling. The proposal does not infringe the Council's Space about Dwellings standards and it also complies with Nationally Described Space Standards.

### **3.4 Ecology & Biodiversity**

3.4.1. Policy EQ1 of the Core Strategy states that permission will not be granted for development which would (alone or in combination) significant harm to sites and/or habitats of nature conservation, including trees, hedgerows and species which are protected or under threat.

3.4.2 Protected Species - The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). The Conservation (Natural Habitats, &c.) Regulations 1994 implement two pieces of European law and provide for the designation and protection of 'Special Protection Areas' (SPAs) and 'Special Areas of Conservation' (SACs), together with the designation of 'European Protected Species', which include bats and great crested newts. The Countryside and Rights of Way (CROW) Act 2000 compels all government departments to have regard for biodiversity when carrying out their functions. Finally, The Protection of Badgers Act 1992 consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The act protects both individual badgers and their setts.

3.4.3. Biodiversity - To comply with the guidance contained within the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.

3.4.4. Due to the Local Planning Authorities obligation to "reflect and where appropriate promote relevant internal obligations and statutory requirements" (paragraph 2 of NPPF) and the requirement, under paragraph 180 of the NPPF, for planning decisions to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (along with emerging advice within the Draft Environment (Principles and Governance) Bill 2018); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, Paragraph 185 of the NPPF, requires that "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity".

3.4.5. The site is within an amber Impact Risk Zone for Great Crested Newts (GCN). The applicant has submitted a GCN Habitat Suitability Assessment which indicates that eDNA testing should be carried out on nearby waterbodies to determine likely presence or absence of GCN. However NatureSpace (who administer the Council's District License) and the LPA's Senior Ecologist have reviewed the application and based on the size of the scheme and the habitat in the construction footprint it is considered that a method statement would be sufficient for this site providing the applicant understands that there is a risk of having to (potentially) pause works if a GCN is found. On that basis a pre-commencement condition would be required, which has been agreed to by the applicant.

3.4.6. In terms of biodiversity, at present the site is a field and all of the existing trees and hedgerows on the perimeter are proposed to be retained. A landscaping condition is proposed which would provide an opportunity to secure biodiversity gains. Accordingly, the application is considered compliant with Protected Species and Biodiversity legislation.

### **3.5. Cannock Chase Special Area of Conservation**

3.5.1. The application site lies within the 8km zone of influence for the Cannock Chase Special Area of Conservation (SAC). Any application which involves a net dwelling increase within the 0-15km zone of influence of the SAC is required to provide mitigation in the form of a charge for any additional dwellings proposed. The applicant has agreed to enter into a legal agreement to secure the financial mitigation should the application be approved, and a draft unilateral undertaking has been provided. A Habitat Regulations Assessment has been carried out and Natural England have raised no objections to the proposal subject to appropriate mitigation being secured.

### **3.6. Human Rights**

3.6.1. The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

### 3.7 CONCLUSIONS

3.7.1 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 sit on the periphery of the existing agricultural complex and would assimilate comfortably with the character of the immediate area and there are no concerns arising in respect of parking/highways, residential amenity or ecology/biodiversity. The proposal is therefore considered to comply with Policy EV8 of the Core strategy and Paragraphs 84 and 153 of the NPPF. Consequently, approval is recommended subject to conditions and satisfactory completion of a unilateral undertaking to secure the necessary mitigation in respect of Cannock Chase SAC.

### 3.8. RECOMMENDATION – APPROVE SUBJECT TO THE SATISFACTORY COMPLETION OF A UNILATERAL UNDERTAKING IN RESPECT OF CANNOCK CHASE SAC.

Conditions:

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 authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. GCN Method Statement:  
No development shall take place, including demolition, groundworks or any necessary vegetation clearance until a method statement for great crested newts (GCN) has been submitted to and approved in writing by the Local Planning Authority and all works thereafter shall be carried out in accordance with the approved method statement The method statement must include (as a minimum):
  - A risk assessment in relation to site activities that may impact GCN and the associated legislative breaches that may occur due to works;
  - Details of all reasonable avoidance measures to ensure GCN are not adversely affected by works; and
  - Identification sheets for native amphibians (to be kept on site).
  - Details of the toolbox talk and signed register for attendees
4. No works above damp-proof level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. Prior to any works taking place above damp proof course level, details of all boundary treatment around and within the site shall be submitted to the Local Planning Authority for approval. The approved boundary treatment shall be built/erected concurrently with the development and shall thereafter be retained in the approved form and position throughout the life of the development.
6. Within 1 month of any development commencing on the site a landscape scheme shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented concurrently with the development and completed within 12 months of the

completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. Any failures shall be replaced within the next available planting season and the scheme shall be maintained to the satisfaction of the Local Planning Authority. The planting shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).

7. The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling(s) hereby approved without the prior approval of the Local Planning Authority:

Schedule 2, Part 1, Class A - enlargement, improvement or other alteration

Schedule 2, Part 1, Class AA - enlargement of a dwellinghouse by construction of additional storeys

Schedule 2, Part 1, Class B - addition or alteration to the roof

Schedule 2, Part 1, Class C - any other alteration to the roof

Schedule 2, Part 1 Class E – buildings etc incidental to the enjoyment of a dwellinghouse

Schedule 2, Part 2, Class A - gate, wall, fence or other means of enclosure

Schedule 2, Part 20, Class AD - new dwellinghouses on detached buildings in use as dwellinghouses.

9. The development hereby approved shall be occupied by a person primarily employed in the operation of the adjoining agricultural unit ( known as **Oak Lane Farm Oak Lane Calf Heath Staffordshire WV10 7DR** ), their relatives, dependents and/or household staff, and by no other person.

#### 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 prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy.
4. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
5. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
6. to ensure delivery of adequate screening to ensure compliance with Policy EQ12 of the Core Strategy and to secure biodiversity enhancement in accordance with Policy EQ1.

7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
8. To preserve the openness and visual amenity of the landscape and the Green Belt in accordance with policies GB1 and EQ4, and to protect the amenity of neighbouring occupiers in close proximity to the site in accordance with Policy EQ9.
9. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development. The development is hereby approved on the basis that the dwelling is to be occupied by an agricultural worker only.

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, 2023.

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](http://www.gov.uk/government/organisations/the-coal-authority)

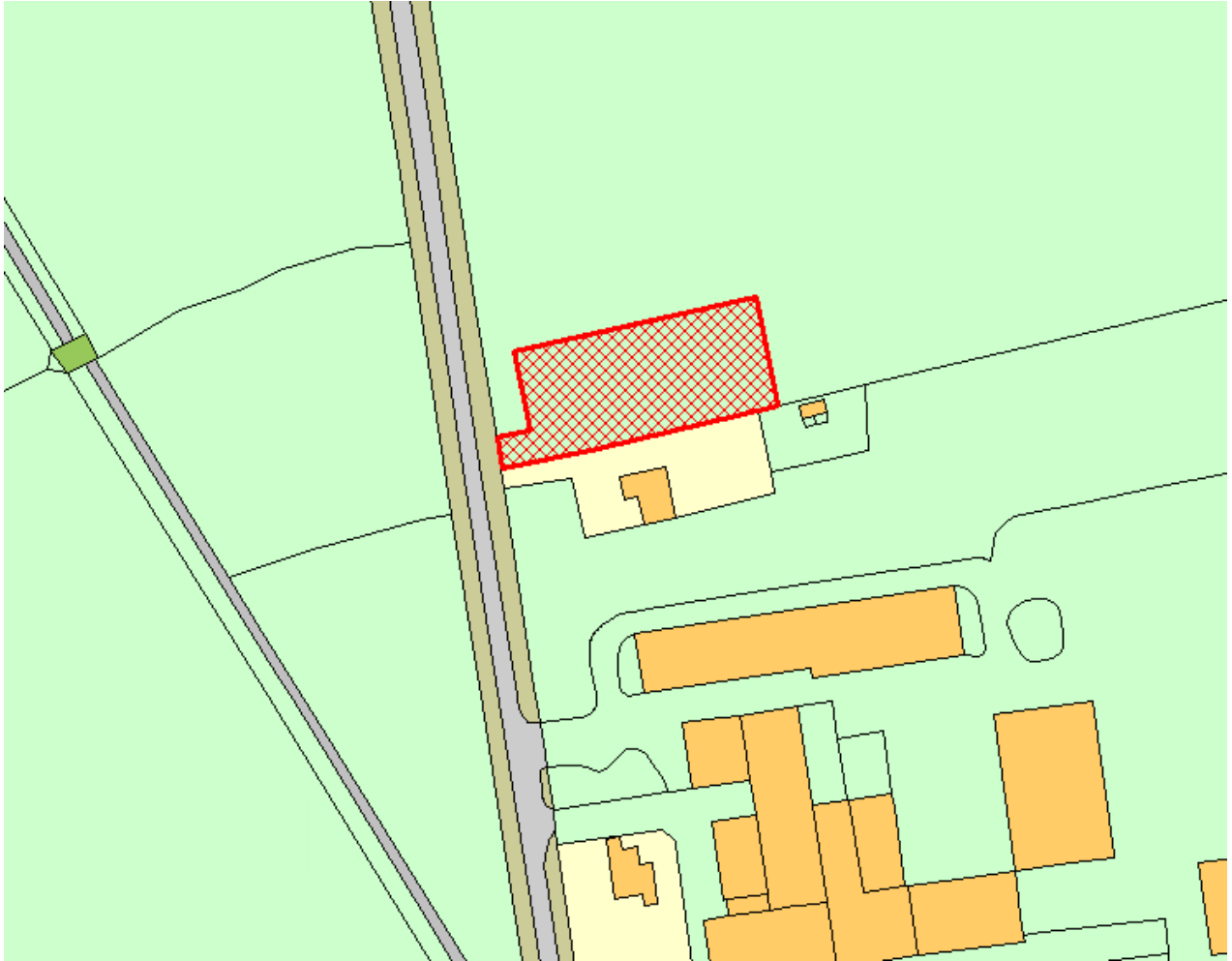
The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence."

The applicant can apply to the District Licensing Scheme at any time should they wish to avoid any risks or should newts be encountered on the site. For more information please see [www.naturespaceuk.com](http://www.naturespaceuk.com)

#### **Plans on which this Assessment is based**

Plan Type	Reference	Version	Received
Proposed Plans and Elevations	09/99/547		20 March 2023
Proposed Site Plan	09/99/552		20 March 2023
Location Plan			22 March 2023





Oak Lane Farm, Oak Lane, Calf Heath, Staffordshire WV10 7DR