

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 11th March 2009

Page

APPLICATION REF. NO: 08/00018/FUL

STATUTORY DECISION DATE: 2nd April 2008

WARD/PARISH: SADBERGE AND WHESSOE

LOCATION: Southfields Farm, Glebe Road, Great Stainton

DESCRIPTION: Erection of agricultural workers dwelling, detached block of 4 No. garages and associated agricultural building (Amended Description) (Additional plan received 04/09/08 and 05/09/08)

APPLICANT: MESSR. S THOMPSON AND SON

APPLICATION AND SITE DESCRIPTION

The application site is situated on the east side of Glebe Road and to the south of the C34a road running east west to Bishopton. It sits on the northeastern corner of the settlement of Great Stainton, is rectangular in shape and measures some 1.14 ha in area. It is bounded to the south by footpath No. 3, which is a public right of way accessed by a stile from an indent from Glebe Road. Beyond the footpath are a group of existing cottages with a frontage to Glebe Road. To the north, south and west of the site runs a hedgerow together with some Sycamore trees to the southwestern edge of the site. An existing garage and stable building is situated to south of the site. An informal access track to adjacent farmland is also situated outside the development site.

Planning permission is sought for the erection of an enclosed farmyard with an agricultural workers dwelling, together with a garage block and an associated agricultural building, consisting of the following;

- A three-bedroom dormer bungalow, constructed in multi-red facing bricks with Welsh grey slates to the roof and timber doors and windows. This would be located to the centrally within the application site;
- A garage to accommodate 4 No. Vehicles, replacing an existing garage to be constructed from matching external materials, with three brick piers separating the vertical timber doors. This would be sited adjacent to the group of cottages to the south in an area that has historically been used for the parking of vehicles associated with the nearby residences; The application indicates that the garaging is to be provided for the benefit of the community to ensure adequate off-street parking along Glebe Road;
- A general purpose agricultural building to be sited to the north of the site, consisting of vertical cladding and timber Yorkshire boarding with natural coloured fibre cement sheeting.
- A farmyard consisting of hard standing to separate and provide access to the separate elements of the farmstead;

- Associated landscaping to screen and soften the vertical impact of the development;
- Access from Glebe Road via an existing field gate, with improved visibility splays in accordance with Highway requirements.

To provide some background, the application for a permanent agricultural dwelling has come about due to a change in circumstances of an existing farming operation. The existing business is based on owner occupied and rented land farmed as a mixed arable and livestock farming enterprise. Some 217 hectares of land based at Town Farm, Stillington and Great Stainton, is owner occupied. 67.8ha at Southfield Farm is rented. The applicant under full agricultural tenancy previously farmed the land at Southfield farm. In 2004 the death of the senior partner of the business led to negotiations as to the continuation of the occupation by the family farming partnership of Southfield Farm. Under the relevant legislation, (the Agricultural Holdings Act 1986 Tenancies), certain tenancies have the right to two further successions over three generations. However, this right is not automatic and has to be applied for with proof of eligibility and suitability to obtain the tenancy. In this particular case there was dispute over this eligibility. For reasons of economy and in the interests of certainty of continued possession of the farm land, the farming partnership came to the agreement of the terms of the continued occupation of the holding. These terms led to the loss of the existing farmhouse within the village of Great Stainton and the full range of agricultural buildings at Southfield Farm. These areas now have the benefit of unconditional residential occupation/planning permission. In addition to the areas under tenancy, the farming partnership own 18.25ha of land at Southfield farm, in three primacy enclosures to the northern extent of the owned land. As it is intended to continue to farm for the foreseeable future, the application states that a need has arisen for a new dwelling.

As members will be aware, the usual procedure is to apply for permission for a temporary dwelling for the first three years, during which the need for a permanent dwelling is established, however in this case the applicant has submitted that this is an existing farming operation on an existing holding that requires a new dwelling solely due to a change in circumstances as stated above.

A Design and Access Statement has been submitted as required by the Regulations.

PLANNING HISTORY

None

PLANNING POLICY BACKGROUND

The following policies of the **North East of England Plan Regional Spatial Strategy to 2021 (July 2008)** are relevant: -

Policy 2 – Sustainable Development
Policy 4 – The Sequential Approach to Development
Policy 7 – Connectivity and Accessibility
Policy 8 – Protecting and Enhancing the Environment
Policy 24 – Delivering Sustainable Communities
Policy 29 – Delivering and Managing Housing Supply
Policy 30 – Improving inclusivity and Affordability
Policy 36 – Trees, Woodlands and Forests

Policy 54 – Parking and Travel Plans

The following **national policy guidance** is relevant: -

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Planning Policy Statement 7: Sustainable Development in Rural Areas (2004)
Planning Policy Statement 3: Housing (2006)
Planning Policy Guidance 13: Transport (2001)
Planning Guidance Note 16: Archaeology and Planning (1990)
Planning Policy Statement 23: Planning and Pollution Control (2004)

The following policies of the **Borough of Darlington Local Plan 1997** are relevant: -

E2 - Development Limits
E3 - Protection of Open Land
E4 - New Buildings in the Countryside
E7 - Landscape Conservation
E11 - Conservation of Trees, Woodlands and Hedgerows
E12 - Trees and Development
E14 - Landscaping of Development
E24 - Conservation of Land and Other Resources
E29 - The Setting of New Development
E34 - Archaeological Sites of Local Importance
E46 - Safety and Security
E47 - Contaminated Land and Unstable Development
H3 - Location of New Housing Development
H7 - Areas of Housing Development Restraint
H11 - Design and Layout of New Housing Development
R1 - Designing for All
T12 - New Development – Road Capacity
T13 - New Development - Standards
T24 - Parking and Servicing Requirements for New Development

RESULTS OF CONSULTATION AND PUBLICITY

Five letters of objection have been received from local residents. Three of these are from the occupiers of *Twin Bark*, and two from the occupiers of *Stonyend*, both of which are situated on the western side of the access road opposite the application site. These letters raise the following concerns:

- *Not all of the farmland is owned by the applicant;*
- *Outside of development limits;*
- *Southfield Farmhouse was available to be purchased;*
- *Impact on the landscape;*
- *Impact on residential amenity and outlook;*
- *Design and scale;*
- *Development will form an infill area between existing houses and new dwelling resulting in further applications for dwellings;*
- *The applicants other site at Old Stillington will be sold off if the development is approved;*

- *Insufficient justification for the development;*
- *Dangerous access for large vehicles.*

The following issues were raised in the above residents however cannot be taken into consideration in this case as these are not considered to be material planning considerations;

- *Loss of view;*

The Campaign to Protect Rural England (CPRE) has objected to the proposal on the following grounds;

- *The development is outside of the development limits for the village and no documentation proving the development is agriculturally viable is provided;*
- *We believe in proving agricultural viability the area of land should be the 40 hectares owned by the applicant and should not include the 240 acres rented which could be released at any time. If the applicant does cease to rent the land it will effectively be a residential development in the countryside, approved on an incorrect basis;*
- *The above is of particular concern to us as it is understood that the applicant has discussed his wish to retire in the area;*
- *It is usual for dwellings in the countryside for agricultural holdings to be for a temporary dwelling for three years so that the viability of the agricultural venture can be confirmed. We consider that this should be the case in this instance;*
- *The 40 hectares owned and the 240 acres rented are currently being managed from an existing farmstead. Why is a new farmstead required;*
- *The development is out of scale with the rest of the village;*
- *The shed seems to be very large for a 40 acre holding;*
- *The development will have a negative effect on the visual amenity of the existing properties;*
- *There is concern for the trees in the site, both in the long term and during construction;*
- *We believe it is an overdevelopment of the site;*
- *We are concerned at the pressure such a development would have to have the development envelope of the village extended, a move we would not consider acceptable.*

Northern Gas Networks has been consulted and has raised no objections to the proposed development.

Northern Electric has been consulted and has raised no objections to the proposed development.

Great Stainton Parish Meeting has been consulted and has raised no objections to the proposed development.

The Ramblers Association has been consulted and has made the following comments:

It appears that Public Footpath Great Stainton No. 3 would be crossed by the plan indicated access road to Southfields. If your authority approves this application we would require suitable safety measures be in place at the intersection of footpath and road. The condition of the footpath from Glebe Road for some 150 metres is deplorable. It is strewn with debris, has overhanging hedging and fencing and is totally blocked adjacent to the derelict stables. We believe that the applicant needs to bring the footpath back to a suitable condition for the general

public. Our countryside officer notes the development site has not been checked for protected species, he suggests your authority have the applicant carry out the necessary checks.

The Council's Countryside Section has been consulted and has confirmed that the development affects Footpath No. 3, Great Stainton, requesting that improvements be made to the right of way.

The Council's Arboricultural Officer has been consulted and has raised no objections to the proposed development.

The Council's Environmental Health Officer has been consulted and has raised no objections to the proposed development.

The Assistant County Archaeologist has been consulted and the response will be reported verbally at the Planning Committee meeting.

PLANNING ISSUES

The main issues to be considered in the determination of this application are:

- Planning Policy
- Visual Amenity and impact on the surrounding countryside
- Impact on residential amenity
- Highway Matters
- Impact on Rights of Way
- Trees
- Section 17 of the Crime and Disorder Act 1998

Planning Policy

The site is within the open countryside and the principle of providing a new agricultural workers dwelling may be acceptable providing that the strict requirements of Policy H7 (Areas of Housing Development Restraint) and PPS7: Sustainable Development in Rural Areas (2004), Annex A, can be met. Otherwise there would be a clear and strong presumption against the construction of a dwelling in this open countryside location

Policy H7 (Areas of Housing Development Restraint) permits residential development outside of the defined development boundary where it is essential for the proper functioning of a farm or forestry enterprise for a farm or forestry worker to live at or in the immediate vicinity of his / her place of work. The reasoned justification for this policy states that evidence of need must be provided by the applicant and should normally include a detailed assessment by an independent person or body. It goes on to state that permission will not normally be granted where there are dwellings or buildings suitable for extension, sub-division or conversion, or unoccupied dwellings which are available and well related to the holding.

This is consistent with PPS7, which states that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units. As such, proposals should satisfy the following criteria:

- (i) There is a clearly established existing functional need (to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be

- readily available at most times. Such a requirement may arise, for example, if workers are required to be on hand day and night for short notice animal care;
- (ii) The need relates to a *full-time* worker, or one who is primarily employed in agriculture, and does not relate to a part time requirement;
 - (iii) The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so;
 - (iv) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
 - (v) Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

The application was submitted with an Agricultural Assessment prepared by Addisons Chartered Surveyors. The purpose of this report is to provide justification for the proposed dwelling based on the above strict functional and financial requirements set out in national policy. This report sets out in detail the history of the holding and the farming activities taking place, together with financial accounts of the operation for the preceding four years and a business plan, and concludes that the functional and financial test has been met.

The application states that the current farming activities consist of arable crops of winter wheat and oil seed rape taken by some 500 acres of land, with 200 acres down to permanent or rotational grassland, utilised for the production of haylage and grazing by livestock. The livestock system adopted is based on 300 breeding mule ewes crossed with Charolais tup producing lambs which are reared on grass through the summer / autumn periods to be fattened for sale in late autumn / early spring. In addition, the business also buys and fattens 1500-3000 store lambs utilising the existing buildings at Town Farm. The proposed replacement buildings on the application site are intended for use as winter and lambing accommodation for sheep flock and would allow existing buildings at Town Farm to be used for the fattening of store lambs at 3000 per annum.

The Council have instructed an independent rural planning consultants, Acorus Rural Property Services Limited to undertake a similar assessment and advise the Local Planning Authority.

The above technical appraisal concludes that the need arises based on the provision of new farm buildings to house the established 300 ewe breeding sheep flock and to meet the management and welfare requirements of the livestock both within and outside normal working hours most of the time and arises from other farming operations on the 212 acres of land at Great Stainton. Further to this assessment, additional information to support the proposal was submitted in the form of a statement to detail the search for existing dwellings in the locality that are suitably well related to the holding and reasonably available. This report is based on a search area of the three closest settlements of Sadberge, Bishopton, Stillington, as well as Great Stainton itself. The report concludes that there are no suitably affordable dwellings in the search area, or suitably sited so as to meet the functional needs of the enterprise, that could be obtained as an alternative to the creation of a new dwelling.

Officers have considered the information submitted carefully and acknowledge that there is justification for new, appropriately located farm buildings, to assist in the management of the farming business. However, with regard to the proposed dwelling, officers are not satisfied that there are not other suitable existing dwellings in the locality, that would meet the requirements of the applicant, and thereby avoid the construction of a new dwelling in the open countryside.

Since the submission of the application officers have become aware of a number of potentially affordable dwellings/sites in the locality that are currently available that may serve the requirements stated in the application. However officers remain to be convinced that these sites have been given proper or thorough consideration. The applicant has indicated that the need for the dwelling in this location is to meet sight and sound requirements for the care of the livestock, particularly during the lambing period. However officers consider that wherever any residential building would be sited, it would not be within sight and sound of the entire holding. If sight and sound is required close to the application site during the seasonal lambing periods, workers can be accommodated by temporary accommodation provided for in the permitted development rights available to agricultural holdings and the remainder of the farming business can be operated from the applicants other dwelling at Town Farm, Stillington, as has been the case since the change in circumstances that the applicant has experienced. Officers therefore consider that further investigation of the alternatives to a new dwelling, including new development sites for housing within the settlement, together with further evidence of functional need, must be investigated and provided before any exception to established planning policy could be considered.

Notwithstanding the above, the remaining issues to consider are those contained within point (v) (above) and include an assessment of the size of the proposed building and whether it is commensurate with any indicated functional requirement and whether other planning requirements are satisfied. These issues are considered in the following sections of this report.

Visual Amenity and impact on the surrounding countryside

The application states that the siting of the buildings has been dictated by the functional needs of the business and the requirements of the applicant. As indicated above, it is not considered that the need for a new dwelling in the countryside has been established and therefore the proposal is not acceptable as a matter of principle. However, notwithstanding this, the siting of the proposal is considered to be unsatisfactory due to the scale and position of both the agricultural building and the dwelling in isolated positions within a large and prominent site. Officers consider that these concerns carry sufficient weight to justify refusal of planning permission on these grounds.

Impact on residential amenity

The proposal will have an impact on the residential amenity of existing residents, by virtue of bringing an element of farming activity into an underused paddock. As the southern portion of the site, which is immediately opposite to the bungalows on the western side of Glebe Road, and to the north of the range of cottages on the eastern side, houses the proposed dwelling, it is unlikely that this element of the proposal would significantly impact on the existing level of residential amenity. Nevertheless, the existing field access would be modified and would be used to access the site and the remainder of the farmland and this would involve increased vehicle movements to and from the site. However, given the distance between the existing properties and the main area of the farmyard, being some 50m from the existing dwellings it is unlikely that the degree of impact would be so significant as to justify refusing planning permission on these grounds.

On balance, it is considered that the degree of impact on residential amenity is acceptable and is not of sufficient magnitude as to justify refusal of planning permission on these grounds.

Highway Matters

The site would be reached via an existing field access on Glebe Road, which would be modified to achieve satisfactory visibility in line with Highway requirements. The Council's Highways Officer has been consulted and has raised no objections subject to a planning condition requiring

submission and agreement of the precise details of the visibility splay, which would involve the removal and replacement of part of the hedgerow and the setting back of the access gates. Overall, the proposal is considered to be acceptable in respect of highway safety.

Impact on Rights of Way

The Council's Rights of Way Officer has commented on the impact of the proposal on the right of way running east west along the southern boundary of the application site, as follows:

The current right of way must be improved. It is in a poor state near to the village, where it runs from the road into the development site. The width must be retained. If it is to be corralled then we will have to widen the corridor through which it will travel as a matter of public safety. Where the road severs the right of way, the public footpath must take precedence, i.e. there will need to be restrictions on the speed of traffic.

Given the above comments, it is not considered that the proposal would have an adverse impact on the existing public footpath. A planning condition would be recommended in order to secure submission, agreement and implementation of the above improvements should members be minded to approve the application.

Trees

There are a number of trees within the development site, the retention of which would provide an element of natural screening and softening to any development. The Council's Arboricultural Officer has been consulted and has raised no objections to the proposed development subject to the submission and agreement of a detailed survey of existing trees and hedges within the site, and measures to secure their protection prior to and during any site clearance or construction works.

Section 17 of the Crime and Disorder Act 1998

The proposed development has been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The information submitted with the application indicates that the dwelling is required in order to provide some security and to avoid recent events of theft of stock and equipment. Although issues of crime as a result of a development can be a material planning consideration, no evidence has been submitted to support any incidents, and this cannot be an overriding factor in any decision, where there is not sufficient justification for the dwelling for the tests set out in National Policy.

Conclusion

The applicant has not provided sufficient evidence to demonstrate that there is a functional need for an agricultural worker to live permanently on the site itself, outside of the development limits of the village. The applicant has failed to demonstrate that the need could not be fulfilled by other existing accommodation in the area, which is suitable and available for the occupation of the workers concerned. The holding has been managed from a farmhouse in Stillington in recent times, which is in the applicant's ownership. The proposed dwelling house and agricultural building, by reason of its layout, design and siting, would appear as a strident and obtrusive addition to the landscape, and would harm the character and appearance of the open countryside. The proposed development is thereby contrary to policies H7 (Areas of Housing Development Restraint), E7 (Landscape Conservation), E4 (New Buildings in the Countryside) and E29 (The

Setting of New Development) of the Borough of Darlington Local Plan 1997 together with national guidance contained within PPS7: Sustainable Development in Rural Areas (2004);

RECOMMENDATION

That planning permission is REFUSED for the following reasons:

1. The applicant has not provided sufficient evidence to demonstrate that there is a functional need for an agricultural worker to live permanently on the site itself, outside of the development limits of the Borough.
2. The applicant has failed to demonstrate that the need could not be fulfilled by other existing accommodation in the area which is suitable and available for the occupation of the workers concerned;
3. The proposed dwelling house and agricultural building, by reason of its layout, design and siting, would appear as a strident and obtrusive addition to the landscape, and would harm the character and appearance of the open countryside.
4. The proposed development is thereby contrary to policies H7 (Areas of Housing Development Restraint), E7 (Landscape Conservation), E4 (New Buildings in the Countryside) and E29 (The Setting of New Development) of the Borough of Darlington Local Plan 1997 together with national guidance contained within PPS7: Sustainable Development in Rural Areas (2004);