COMMITTEE EXTRACT

Committee Date: 16 December 2008

Reference:- **08/00997/FUL** **Parish:-** **Ratby Parish Council**

Applicant:- **Mr J HAY**
LOWER CLEEVE FARM
ROSS-ON-WYE
HEREFORD
HR9 7TD

Location:- **The Poultry Farm Desford Road Ratby Leicester Leicestershire**

Proposal:- **ERECTION OF PERMANENT FARM MANAGERS DWELLING**

Introduction:-

This is a full application for the erection of a permanent farm managers dwelling at the Poultry Farm, Desford Road, Ratby. The proposed dwelling is a dormer bungalow with lounge, kitchen/diner, utility, two bedrooms, study and bathroom to the ground floor and two further bedrooms and a bathroom within the roof space. It will occupy a footprint of 15.2 metres by 8 metres with a ridge height of 6.5 metres. It will be located within a small residential curtilage bounded by new beech hedging in the south east corner of the site adjacent to Desford Road.

The unit covers an area of approximately 1.5 hectares and is located in the countryside to the south west of Ratby and on the north side of Desford Road. There are open fields around the site and an isolated dwelling to the south. There is a substantial industrial complex (formerly Timken) to the south west. The unit comprises of four large broiler houses that cover a majority of the site for the keeping and rearing of poultry together with a small store. The unit has had the benefit of planning permission for a temporary mobile home since 1979. The site is well screened from Desford Road by mature mixed hedgerows and conifer screens.

A Design and Access Statement has been submitted to support the application along with further financial information relating to the operation and viability of the agricultural holding. The Design and Access Statement states that the applicant company has several poultry units of a similar size and format and find that to provide proper supervision and security for the units it has proved essential that living accommodation is provided on site and that it should be suitable for occupation by a family. The current mobile home fails to provide adequate accommodation. The design is of a simple rectangular dormer bungalow built in local sourced materials in keeping with the locality. It has been positioned to provide supervision and security of the holding and its access and provided with a small private garden area not dominated by the agricultural buildings. The existing mobile home would be removed from the site on completion of the proposed permanent dwelling.

History:-

93/00820/4	Retention of Mobile Home	Approved	09.12.93
90/01010/4	Extension to Broiler House	Approved	31.10.90
87/00556/4	Retention of Mobile Home	Approved	23.07.87
86/00496/4	Demolition of Existing Broiler Houses and Erection of Two New Broiler Houses	Approved	01.07.86
79/01143/4	Retention of Mobile Home	Approved	25.09.79
75/00375/4	Retention of Chicken Rearing House on a Permanent Basis	Approved	22.04.75

Consultations:-

No objection has been received from:-

Director of Highways, Transportation and Waste Management (Highways)
Director of Community Services (Archaeology)
Director of Community Services (Ecology).

Borough Council's Agricultural Appraisal Consultant advises that the application meets the functional and financial tests of Annex A to Planning Policy Statement 7. There is agricultural support for the proposed replacement of the existing mobile home with a permanent agricultural dwelling which should have an external floor area of not more than 185 square metres.

No objection subject to conditions have been received from:-

Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

Ratby Parish Council raise concerns that use of the dwelling will be for the farm manager only.

No response has been received at the time of writing this report from the site notice or neighbours.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 7: Sustainable Development in Rural Areas sets out the Government's planning policies for rural areas. Paragraph 10 of PPS7 makes it clear that isolated new houses in the countryside require special justification for planning permission to be granted. Annex A to PPS7 provides further advice and outlines the need for a functional and financial test to be applied to applications for dwellings in the countryside to ensure that the dwelling is required on site and cannot be provided in a nearby settlement and that any proposed enterprise has a sound financial basis to support the dwelling and its occupants. The agricultural dwelling should be of a size commensurate with the established functional requirement and be well related to existing farm buildings.

Local Plan Policy

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development:- complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; has regard to the safety and security of individuals and property; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties and incorporates landscaping to a high standard.

Policy RES12 states that in assessing planning applications for dwellings required to accommodate a person employed in agriculture, consideration will be given to: the nature of the holding and the necessity for the person to live on site, having regard to the security and efficient operation of the holding; the viability of the holding to sustain the worker in full time employment; the availability of suitable alternative accommodation in the local housing market.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy NE14 requires satisfactory arrangements to be made for the disposal of foul sewage, trade effluent and surface water.

Appraisal:-

The main considerations with regards to this application are the principle of development in this countryside location, the siting, layout and design of the dwelling and its impact upon the character and appearance of the area.

Principle of Development

The agricultural holding involves the keeping and rearing of poultry and the applicant stresses that full time attendance is required for the proper operation of the unit due to the nature of the activities and for security purposes in respect of the buildings and livestock. The applicant has provided information regarding livestock levels and sales etc to enable a proper assessment to be made of the operation and financial viability of the holding in sustaining an agricultural workers dwelling. The Borough Council's Agricultural Appraisal Consultant has carried out a desk top appraisal of the information provided and advises that the application passes the functional and financial tests of Annex A of PPS7 and there is agricultural support for the proposed replacement of the existing mobile home with a permanent agricultural dwelling of an external floor area of up to 185 square metres.

The concern raised by Ratby Parish Council regarding occupation of the dwelling can be controlled by an appropriately worded condition.

Layout and Design

The proposed new dwelling is well related to the existing broiler house buildings that are of greater scale and mass than the proposed dwelling. The siting of the dwelling has had regard to the need to provide a satisfactory residential amenity whilst also providing adequate security of the unit by providing surveillance of the access road. The proposed dwelling has a simple design on a rectangular footprint consisting of low eaves and 45 degree pitched roof including brick dentil courses and corbelling which enhance its overall design and appearance. It has been designed with family accommodation and whilst it provides four bedrooms, these are all relatively small in size and the two within the roof space have restricted headroom. The total external floor area of the dwelling is 186 square metres and the internal floor area is 171 square metres, which meets the advice of the Council's Agricultural Appraisal Consultant.

It is intended to use a sealed tank cess pit for the disposal of foul water drainage which, is to be provided within the site close to the site entrance where adequate access and turning is available for a tanker vehicle. The agent has confirmed that no mains drainage is available to serve the proposed dwelling and the residential properties nearby have their own disposal systems.

Impact on the Character and Appearance of the Area

In order to minimise the visual impact on the appearance and character of the landscape it is single storey with rooms in the roof space and a single dormer window to the western elevation facing the access road. It is intended to plant a beech hedge around the small residential curtilage to reflect the rural location, additional landscaping is not considered to be necessary in this case as the site is already well screened by an existing mature mixed species hedgerow to the south fronting Desford Road and also to the east together with a mature conifer screen to the west. An amended plan has been requested to clarify and define the extent of the residential curtilage within the overall site. The site occupies an elevated position in relation to Desford Road to the south and therefore a condition requiring the submission of ground and finished floor levels has been recommended should planning permission be approved.

The proposed dwelling will not lead to an increase in the use of the existing access or generate traffic to adversely affect the rural character of the area and the Highway Authority has no objection to the proposal. There is adequate private amenity space and parking provision within the site.

Conclusion

A satisfactory agricultural appraisal has been received and the application passes the functional and financial tests of Annex A of PPS7. The siting, layout and design of the proposed farm managers dwelling is acceptable. The dwelling will be well related to existing buildings, will not have an adverse impact on the character or appearance of the landscape, is well screened by existing and proposed landscaping and will not be detrimental to highway safety.

RECOMMENDATION:- Permit subject to the following conditions:-

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Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would provide essential accommodation for a person employed in the locality in agriculture, would be well related to the existing buildings and due to its siting and design would not have an adverse impact on the character and appearance of the surrounding landscape.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5, NE14 and RES12

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry or a widow or widower of such a person, and to any resident dependants.

3 Notwithstanding the submitted details, before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

5 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.

6 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

7 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

8 Notification of the commencement of development should be given in writing not less than 14 days before development commences.

9 Prior to first occupation of the dwelling hereby approved the temporary mobile home shall be permanently removed from the site.

10 The residential curtilage boundary as defined by the new beech hedges indicated on approved plan No. 3726:1 shall be planted during the first appropriate planting season following the date when the dwelling is first ready for occupation. The scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs that die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

11 The car parking and turning facilities shown on the approved plan shall be provided before first occupation of the dwelling hereby permitted and once provided shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1, Classes A - E inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The site lies within an area of open countryside where the Local Planning Authority would not normally grant permission for residential development and to accord with policy RES12 of the adopted Hinckley and Bosworth Local Plan.

3 & 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

5 - 7 To ensure the safe development of the site and protect future residents from potential land contamination due to the use of the site as a farm to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

8 To ensure the safe development of the site and protect future residents from potential land contamination due to the use of the site as a farm to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

9 To define the permission and to ensure that the temporary mobile home is removed from the site to protect the character and appearance of the countryside and to accord with policies RES12 and NE5 of the adopted Hinckley and Bosworth Local Plan.

10 To define the residential curtilage, to enhance the appearance of the development and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

11 To ensure that adequate car parking and turning facilities are provided within the curtilage of the dwelling to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

12 To safeguard the visual amenities and the rural character of the area to accord with policy BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the

Building Control Section.

3. As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 List of Plans used in the determination of this application:- Plan Nos 3726:1; 3726:2; 3726:3 and 3726:4.

5 A cess pit is a holding tank for sewage; not a treatment plant. It must not have an overflow pipe or weir, or any other facility enabling it to discharge to a ditch or watercourse, only a suction nozzle for the transfer of its contents to a road tanker. Access and turning for a tanker vehicle must be provided and maintained within the site.

Contact Officer:- Richard Wright Ext 5894