

Paul Turner Planning Consultancy

11 Mapperley Hall Drive, Mapperley Park, Nottingham. NG3 5EP.

Planning Policy & Design & Access Statement.

(To be read in conjunction with the Agricultural Business Appraisal by Andersons Midlands accompanying the planning application).

Proposed Farm Workers Dwelling at Twin Oaks, Upton Lane, Upton, Warwickshire. CV13 6JU.



Figure 1 The existing agricultural workers dwelling, and new livestock barn are well assimilated in the landscape.

For Mr & Mrs Howells.

(November 2023)

Contents.

1. Context.

- 1.1 Location
- 1.2 Business Summary
- 1.3 Planning History
- 1.4 Need

2. The Proposals.

- 2.1 Design, Height, Scale & Siting of the Proposed Development.
- 2.2 Access.

3. Conclusions.

Appendices.

A1 Policy Context. – Key Relevant Planning Policy & Guidance

- A1.1 National Planning Policy Framework (2023)
- A1.1.2 Hinckley & Bosworth B.C. Core Strategy (2009)
- A1.1.3 Hinckley & Bosworth B.C. Site Allocations and Development Management Policies DPD (July 2016).
- A1.1.4 Hinckley & Bosworth Local Plan Review 2020 – 2039.
- A1.1.5 D.L.U.H.C. 'Housing Needs of Different Groups' Guidance (2021).

1. **Context**

1.1 **Location.**

The application site is located to the western side of Upton Lane, 0.5 km south-west of Upton hamlet, 5 km north-east of Atherstone, 6 km south-west of Market Bosworth and 8 km north-west of Hinckley. It is open land in agricultural and equestrian use. Neighbouring land use is predominantly agricultural and equestrian.

1.2 **Business Summary and Evolution.**

Planning permission was granted in 2015 for the siting of a temporary agricultural workers dwelling during the set up and establishment years of this livestock-based business relating to an 3.2 ha (8 acres) holding in the applicants ownership plus a further 26.5 ha (65.5 acres) of rented agricultural land for grazing in the vicinity. The applicants have developed substantial experience in livestock husbandry and the growing and rearing of high-quality produce for local markets. Their experience and commitment are a valuable resource to the local economy and community.

In 2017 planning permission was granted for a now completed (and further extended with subsequent planning permissions to meet business growth needs) new livestock building focussing on an evolved business emphasis on cattle and sheep in reaction to local market trends. This demonstrates further financial commitment, intent, and ability to expand the business securing its future sustainability and contribution to the local economy and quality of sustainably sourced local produce to local markets.



Figure 2 The dwelling is immediately opposite the livestock yard and buildings for maximum functional efficiency and surveillance of livestock.



Figure 3 livestock within the extended barn with pens and feed system installations.

The refusal of planning application 20/00459/FUL in 2020 for permanent accommodation, was a finely balanced decision acknowledging the functional need for the workers dwelling and that well directed investments had been made to establish a business that was proven to be profitable despite external adverse impacts beyond the applicants' control. The concern expressed was related to future sustainability given fine margins at the time. Following this refusal, a further temporary consent was granted, accepting the proven need for workers accommodation on site to develop the business and allow additional time to substantiate the likelihood of future financial viability, reference 20/01078/FUL which runs until 2nd February 2024. The LA's consultant assessor advising at the time that:

"The enterprise, despite its difficulties, has demonstrated its ability to make a profit. A further period of security for its key worker would potentially enable it to demonstrate the stability of the revised business model and its sustainability in realistic economic terms".

This issue has been fully addressed in the ensuing 2 and a half years with further significant investments in buildings/equipment and infrastructure and adaption/evolution of the business operation.

This relatively compact operation is run with an environmentally sustainable ethos. It has been developed to establish a sustainable land-based business, as part of local enterprises operating across the supply chain in the area.

The business is a low environmental impact, locally sustainable (requiring minimal miles transportation movement) agricultural enterprise that requires the owners to live on the site for operational efficiency, security and livestock welfare. It is focused on environmental, economic and social sustainability meeting with the 3 sustainability aims established and set out at Para. 8 of the NPPF 2023:

“Achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)”:

“economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”.

The proposal positively contributes towards and assists in sustaining the local, land based rural economy in the right place, at the right time and of the right type/form.

“a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”;

The proposal provides the necessary and appropriate form/design of accommodation to meet the living needs of workers required to be at hand at all times to sustain this desirable business.

“an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.

The proposal makes effective and appropriate use of land, safeguards the character and appearance of the local landscape, and makes good use of natural resources.

Para. 11 of the NPPF advocates that:

“Plans and decisions should apply a presumption in favour of sustainable development”.

The applicants have demonstrated a substantial commitment, and ability to develop a viable and resilient agricultural enterprise through investment in the site acquisition, the development of necessary infrastructure in the form of livestock

buildings, hay stores, implement stores; equipment, plant and machinery; and clearing the site/landscaping.

The accompanying independent Business Assessment by Andersons Midlands concludes that financial sustainability has been proven over the past 3 years, as a result of well-directed investment, evolution and commitment to business development. The business is able to sustain at least one full-time agricultural income.

This application has been prepared and submitted in a timely manner and uses a combination of financial accounts (*to the 5th April 2023*) and forecast figures (*for the year ending 5th April 2024*) demonstrating the business development, ahead of the expiry period of the extant permission.

The business has responded to the most recent 2020 Business Appraisal undertaken as part of the assessment of application 20/01078/FUL by RAC on behalf of the LA.

This focus on optimum scale (to this business and its developed infrastructure) rearing of high-quality young beef calves, supplemented by the rearing of lambs from a breeding ewe flock, together with horse liverys, has resulted in year on year income growth, that meets the payment requirement of the identified working hours, with surplus profits. The functional and financial tests are met to warrant the provision of permanent accommodation for at least one full-time worker at the site.



Figure 4 The cattle enclosures of the extended barns.



Figure 5 New feed silo adjacent to barns.

1.3 **Planning History**

2014 - Removal of 2 mobile homes and storage containers and erection of an agricultural workers cabin and agricultural livestock barn. (14/00880/FUL). Permission.

2017 - Erection of livestock building (17/01095/FUL). Permission.

2020 - Permanent agricultural workers dwelling (following temporary planning permission reference 14/00880/FUL), and extensions to livestock building. (20/00459/FUL). Refused.

2020 – Temporary agricultural workers dwelling (20/01078/FUL). Permission.

2020 - Extensions to livestock building.(20/01079/FUL). Permission.

2021 - Variation of condition 2 of planning permission 20/01079/FUL to allow an extension on the approved building (21/00440/CONDIT). Permission

1.4 **Need**

New development must meet with both National and Local Sustainable Development Policy aims, and the criteria of other relevant planning policy, including the need to support rural businesses. The key relevant Local and National Planning Policies are set out at Appendix 1 of this Statement.

The applicants, Mr & Mrs Howells, have lived in a timber agricultural worker's dwelling on the site since July 2017 under the terms of temporary planning permission references 14/00880/FUL and 20/01078/FUL. The initial occupation following temporary consent was significantly delayed solely due to substantial defects in the construction which rendered the cabin uninhabitable, compounded by the insolvency of the builder during the construction. These circumstances were entirely at the fault of the building provider who is now in liquidation. This resulted in serious operational disruption to the business development and additional burden on financial growth at that time, with finances having to be diverted from planned investment in the business towards rectifying structural defects to the essential worker's home.

Despite unforeseen and unavoidable obstacles Mr and Mrs Howells have been able to positively adapt the business, now focussed on the rearing of beef, to establish sustainable growth in income that meets the financial tests of relevant Planning Policy and Guidance (Policy DM 5 of the adopted Local Plan, Para's 80, 81 & 84 of the NPPF and Government advice given in D.L.U.H.C. 'Housing Needs of Different Groups' Guidance (2021) – as outlined at Appendix 1 of this Statement).

Local Farm Business Consultants Andersons Midlands have appraised the case and provide the accompanying Business Assessment to be read in conjunction with

this Statement. This independent professional Appraisal notes the development of the business, with years of continuous proven profit, sufficient to sustain realistic labour and development costs. This is the result of significant, well targeted investment in necessary infrastructure including expanded livestock accommodation (above planning history), and equipment to facilitate increased operational efficiency and stock capacity for the rearing of young beef calves, supplemented by incomes from lamb sales (from a breeding ewe flock) and horse liveryes.

The Assessment provided now demonstrates a sustainable ongoing business that clearly meets the tests of policy with proven growing yearly profit surplus. This is a desirable and locationally appropriate business that is economically sustainable with clear prospects of remaining so for the foreseeable future.

The business's existence and future are entirely dependent on the occupation of its workers within a permanent dwelling on site. The permanent retention of the existing log cabin, without extension or any additional impact on the locality, will serve this purpose and allow the continuation of the business for its contribution to the local economy and sustainable food production in the area.

There is a proven essential functional need to provide permanent accommodation at the site for the direct supervision of livestock and to maintain efficiency of operation of this growing local agricultural enterprise. There is no suitable alternative accommodation available to buy or rent, and no building suited to residential conversion within functional proximity of the holding.

The proposal will ensure the desirable continuation of the established enterprise supporting local employment, and providing identified local markets with high quality produce; in accordance with the findings of the accompanying independent Agricultural Appraisal and aims of relevant, salient planning policy.

2. The Proposals.

2.1 Design, Height, Scale & Siting of the Proposed Development.

The existing two-bedroom timber cabin is located towards the centre of the holding close to the existing livestock buildings and forms a compact yard with the barns. The siting maximises animal welfare, surveillance, security and operational efficiency and minimises the visual impact of development in the landscape.

The footprint of the structure is 20m x 6.8m and the ridge height is 4.6m (2.6m eaves). The siting is visually inconspicuous in the landscape being set away from the highway with intervening mature hedgerows and trees. The building includes an office for the administration of the enterprise. It is clad in light oak-stained timber logging and has a dark grey coloured, granular shingle tiled roof. The building has been well maintained by regular external stain treatment. This simple maintenance regime will ensure the long terms durability and high quality/natural appearance of the building which complements its rural setting.

The proposed cabin is of high quality sustainably sourced timber and energy efficient 'zero carbon' construction.

2.2 Access

The site has safe and convenient access via the public highway at Upton Lane. The existing stone surfaced access drive into the site will be utilized. No alterations are proposed.

Four parking spaces are provided at the frontage of the dwelling, within its curtilage application site.

3. Conclusions.

The redefinition of the business modus operandi since 2020 and associated investments have resulted in proven growth and sustainable profits warranting the granting of permanent permission for an essential workers dwelling . The proposal is justified as demonstrated by the business development information and related Business Appraisal by Andersons Midlands . These show responsible and well targeted investment in buildings, infrastructure and livestock that have established proven profits year on year, that will sustain a worker required to be at hand to care for livestock at all times for the viable function of the business.

The retention of the approved dwelling is essential to sustain this valuable agricultural enterprise and the livelihoods of its operator/owners.

Prior to the occupation of the existing dwelling, two pre-existing mobile homes and numerous metal containers were removed from the site, significantly enhancing the character and appearance of the countryside landscape and meeting H.B.B.C. S.A.D. (2016) Policy DM4 – ‘Safeguarding the Countryside’ aim to:

“To protect its intrinsic value, beauty, open character and landscape character”.

The development also meets all Sustainable Development aims of Para. 8 of the NPPF.

The siting and design of the workers cabin respects and enhances the character and appearance of the area. There will be no resulting additional development impact.

The applicants have succeeded by investing in infrastructure and livestock, making the business profitable in accordance with the requirements of the financial tests of the adopted Local Plan Policy DM5 (b) - Enabling Rural Worker Accommodation and D.L.U.H.C. ‘Housing Needs of Different Groups’ Guidance (2021), establishing that (inter alia):

“The rural enterprise is economically sustainable and has a clear prospect of remaining so”.

It has been demonstrated that the business has become increasingly profitable, that it is financially sound, and that there is a clear prospect of it remaining so.

The existing dwelling is owned outright by the applicants. There is no additional cost burden on the business incurred in the provision of a permanent dwelling to sustain this established business and the livelihoods of the applicants into the future.

The applicants are fully aware that any permission will link the accommodation in perpetuity to the operation of the business on the site and prevent separate sale or lease. Planning Conditions/Agreements under S.106 will be accepted and complied with in this regard.

There is no alternative, accommodation available within effective functional proximity of the enterprise.

The two - bedroom accommodation is of a size, scale, materials and design that are appropriate to the proper functioning and needs of the rural enterprise, and the character of the setting.

All key relevant planning policy aims have been met. It is therefore respectfully requested that planning permission be granted.



Figure 6 Sheep grazing adjacent to the cabin.

Author Paul Turner MA TP MRTPI

November 2023.

A1 Policy Context. – Key Relevant Planning Policy & Guidance

A.1.1 National Planning Policy Framework (September 2023).

Chapter 2 - Achieving sustainable development.

Para. 7 states:

“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being, and environmental protection.”

Para. 8 states:

“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.

Para. 10 underlines that:

“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development”.

Para.80 states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply (inter alia):

(a) 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;

Chapter 6 - Building a strong, competitive economy.

Para. 81 states:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential”.

Supporting a prosperous rural economy

Para. 84 states:

“Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

Para. 85 states:

“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport”.

A.1.2 The Hinckley & Bosworth B.C. Core Strategy (2009).

Vision:

Para. 3.33

“In 2026 Hinckley & Bosworth will be a thriving, successful borough exemplifying green sustainable development across the East Midlands. More residents will be choosing to work locally as higher paid jobs are provided through the successful diversification of the economy. There will be a lively and diverse rural economy, underpinning thriving village communities and village based services”.

A.1.3 The Hinckley & Bosworth B.C. ‘Site Allocations and Development Management Policies DPD’. (Adopted July 2016).

Policy DM 1 - Presumption in Favour of Sustainable Development.

Planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Borough Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- b) Specific policies in that Framework indicate that development should be restricted.

Policy DM4 - Safeguarding the Countryside and Settlement Separation.

To protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- a) It is for outdoor sport or recreation purposes (including ancillary buildings), and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or

d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or

e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation. and:

- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
- ii) It does not undermine the physical and perceived separation and open character between settlements; and
- iii) It does not create or exacerbate ribbon development;
- iv) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
- v) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21

Policy DM5 - Enabling Rural Worker Accommodation.

To protect its intrinsic value, beauty and open character, the countryside will first and foremost be safeguarded from inappropriate development which includes the erection of new isolated homes. The provision of rural worker accommodation is however considered an exception where the following special circumstances can be demonstrated:

a) It is essential for one or more workers to be readily available at most times for the proper functioning of the rural enterprise and the worker(s) are in full time, permanent employment which directly relates to the rural enterprise; and

b) The rural enterprise is economically sustainable and has a clear prospect of remaining so; and

c) There are no available existing dwellings or buildings suitable for conversion to residential on the site of the enterprise or within the local area; and

d) The proposed dwelling is of a size and scale appropriate to the proper functioning and needs of the rural enterprise.

Dwellings permitted under this policy will be subject to an occupancy condition restricting its occupation to a person who is directly employed by the rural enterprise on a permanent full-time basis.

Policy DM 10 - Development and Design.

Developments will be permitted providing that the following requirements are met:

a) It would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion;

- b) The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site;
- c) It complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features;
- d) The use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally;
- e) It incorporates a high standard of landscaping where this would add to the quality of the design and siting;
- f) It maximises opportunities for the conservation of energy and resources through design, layout, orientation and construction in line with Core Strategy Policy 24;
- g) Where parking is to be provided charging points for electric or low emission vehicles are included where feasible;
- h) An appropriate Sustainable Drainage Scheme is submitted to and approved by the relevant Authority. Schemes should incorporate wildlife areas, ponds, swales and permeable paving where appropriate;
- i) It maximises natural surveillance and incorporates the principles of Secured by Design and has considered the incorporation of fire safety measures.

In exceptional circumstances where outstanding, innovative design is demonstrated (particularly where high levels of sustainability are an integral feature), applications will be considered favourably, even where this may result in some limited conflict with the above criteria.

A.1.4 Hinckley & Bosworth Local Plan Review 2020 – 2039.

The latest Local Development Scheme (LDS) was approved at Full Council in December 2022. The updated LDS extends the Local Plan period to 2041, revises the timetable for production of the Local Plan and establishes key milestones for public consultations.

There are no land use allocation or development management policy changes proposed affecting the determination of this application.

A.1.5 D.L.U.H.C. 'Housing Needs of Different Groups' Guidance (2021).

How can the need for isolated homes in the countryside for essential rural workers be assessed?

Considerations that it may be relevant to take into account when applying paragraph 80 a of the NPPF could include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context;

Paragraph: 010 Reference ID: 67-010-20190722

