

Report

Planning Ref: 21/00587/FUL

Applicant: Mrs Evelynne Shouls

Town: Barton in The Beans



**Hinckley & Bosworth
Borough Council**

Site: New Oak Farm, West End, Barton in the Beans, Nuneaton, Leicestershire

Proposal: Permanent Agricultural worker's dwelling

1. Recommendations

1.1 **Approve** subject to conditions outlined at the end of this report:

2. Planning Application Description

2.1 This application relates to a number of previous applications for temporary use as an agricultural dwelling, the particular permission being sought in this case is for permanent permission to be granted. Temporary permission has been granted in 2011, 2015 and 2017, this last extension expired in May 2021. The permissions relate to the development of an alpaca breeding and rearing enterprise established in 2007.

2.2 The application is to retain and seek permanent permission for the agricultural workers dwelling. The gross internal area (sq.m) of said dwelling is 70.5m, the dwelling is 12.25m by 8m with an eaves height of 2.5m and a ridge height of 4.2m. There are two bedrooms, with a utility room and living room. The dwelling is clad in log lap timber, there are photovoltaic panels on the south facing roof slope with all windows double glazed sealed units.

3. Description of the site and surrounding area

3.1 The application site is a small established agricultural unit called New Oak Farm which supports the management and rearing of alpacas. The site is in Barton in the Beans, Nuneaton off a private lane (West End). The site is beside the Goose Meadow Holiday Park.

4. Relevant planning history

- Siting of temporary occupational dwelling (11/00895/TEMP) – Permitted 08/03/2012
- Variation of condition 1 of temporary planning permission to extend the permission until 2018 for the applicant to demonstrate the long term viability of the business (15/00138/CONDIT) – Permitted 21/04/2015
- Siting of temporary agricultural worker's dwelling for a further 3 years (17/01324/FUL) Permitted 23/05/2018

5. Publicity

- Generic Site notice posted 16/07/2021
- 3 neighbours were consulted by letter – there were no responses

6. Consultation

- LCC Highways – responded 09/07/2021 – no objection
- HBBC ES Pollution – responded 28/06/2021 – no objection
- HBBC Drainage – responded 14/07/2021 – no objection
- Western Power Distribution – no response
- Shackerstone Parish Council – no response
- Severn Trent Water – no response

7. Constraints

7.1. Countryside

8. Policy

8.1. Local Development Framework Core Strategy (2009) 7 / 20 / 40 /

- Spatial Objective 3: Strong and Vibrant Rural Communities

8.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development 152
- Policy DM4: Safeguarding the Countryside and Settlement Separation 161
- Policy DM5: Enabling Rural Worker Accommodation 165
- Policy DM10: Development & Design 186

8.3. National Planning Policy Framework (NPPF) (2021)

8.4. Other Relevant guidance

- Good design guide (2020)

9. Appraisal

9.1. Key Issues

- **Assessment against strategic planning policies**
- **Essential Functional Need**
- **Financial Viability**
- **Design and impact upon the character of the area**
- **Impact upon neighbouring residential amenity**

Assessment against strategic planning policies

9.2. With regards to the NPPF the Government is concerned to promote sustainable development in rural areas, and it is a core element of the NPPF that all necessary development should be sustainable and viewed favourably by the planning process in the context of nationally and locally determined planning objectives. With regard to rural areas, the NPPF indicates that planning policies should support economic growth by

taking a positive approach to sustainable new development, including the development and diversification of agricultural and other land-based rural businesses (paragraph 84).

9.3. With regard to the residential element of the proposed development, the basic premise of national planning policy is that new sporadic residential development in the countryside should be avoided unless there are special circumstances. Such circumstances include:

- An essential need for a rural worker to live permanently at or near their place of work in the countryside
- A need relating to full-time, permanent worker (of which the applicant would consider herself to be)
- The size of the proposed dwelling being proportionate to the functional needs of the enterprise (will be addressed in Design and Impact upon the character of the area)

It is considered that the current dwelling meets the above criteria.

9.4. Policy DM4 considers the provision of rural workers' accommodation to be a form of development which is permissible in the countryside so long as it does not it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.

9.5. Policy DM5: Enabling Rural Worker Accommodation considers when 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.

9.6. There have been no objections to said plan and the materials are in keeping with the surrounding area while also serving the important function of housing a necessary full-time employee to look after the relevant livestock.

9.7 Spatial Objective 3: Strong and Vibrant Rural Communities: seeks to support, enhance and improve the sustainability, vibrancy and vitality of our rural areas. The development has a number of sustainable elements such as photovoltaic panels and rainwater collection facilities for flushing WC's.

Essential Functional need

9.8 A report submitted by RAC (Reading Agricultural Consultants 09/2021) noted that their experience is that the management and rearing of alpacas requires close attention to ensure that the welfare of stock is not compromised, and an enterprise operates efficiently.

9.9 Given that the alpaca enterprise at New Oak Farm has had the benefit of successive permissions for an on-site worker presence, it is evident that were this benefit to be removed the continued existence of the enterprise and its development could be prejudiced.

Financial Viability

9.10. It is argued that the enterprise has demonstrated its sustainability by virtue of having persisted for over a decade:

- The longevity of the enterprise – 12 years
- The investment made in facilities and the standard of land management (physical sustainability)
- The achievement of profit (albeit it at a very limited level)
- The future prospects of the enterprise (as set out in a business plan)

Design and impact upon the character of the area

- 9.11. Policy DM10 of the adopted Site Allocations & Development Management Policies requires that the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally.
- 9.12. It is considered that the size of the proposed dwelling is proportionate to the functional needs of the enterprise, additionally, the incorporation of natural materials such as log lap timber helps to minimise any impact upon the design and impact of the character of the area.

Impact upon neighbouring residential amenity

- 9.13. Policy DM10 of the adopted Site Allocations & Development Management Policies requires that developments do not have a significant adverse effect on the privacy and amenity of nearby residents.
- 9.14. Overall, it is considered that the proposal would not have a significant adverse impact on the residential amenity of the occupiers of the neighbouring dwellings in terms of loss of light, overlooking or overbearing nature, in accordance with Policy DM10 of the SADMP.

10. Equality implications

- 10.1. A Section 149 of the Equality Act 2010 created the public sector equality duty.

Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

10.3. There are no known equality implications arising directly from this development.

11. Conclusion

11.1. By virtue of the appropriate scale, layout, form, design and proposed construction materials, it is considered that the proposed development would comply with Policy DM1, DM4, DM5 & DM10 and of the SADMP as well as the relevant accommodations in the NPPF for agricultural worker dwellings. While the business has had many setbacks in the past years it is considered to be able to sustain itself economically for the foreseeable future. Additionally, the longevity of the business which has existed for 12 years along with the multiple temporary permissions granted in 2011, 2015 and 2017 provides a sound basis on which to grant the agricultural workers dwelling permanent permission to remain. Other contributing factors include the stated need for close attention to be given to the alpacas to ensure their welfare. Furthermore, the property incorporates a number of sustainable elements into its design such as solar panels and water collection systems.

12. Recommendation

12.1. **Approve** with conditions:

13. Conditions and Reasons

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

Reason: To comply with the requirements of Section 91 of the Town and

Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Proposed Floor Plan Drg No 08/286/01 – received 17/06/2021
- Proposed Elevations Drg No 08/286/02 – received 17/06/2021

Reason: To ensure a satisfactory form of development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 3) The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved plans.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 4) 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.

Reason: The site lies within an area where the Local Planning Authority would not normally grant permission for residential development and to ensure that the development is in accordance with Policy DM5 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13.1. Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.