

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	17 August 2021
<b>Site Location:</b>	Brock Farm Church Lane Staverton
<b>Application No:</b>	21/00494/FUL
<b>Ward:</b>	Badgeworth
<b>Parish:</b>	Staverton
<b>Proposal:</b>	Change of use of land for the temporary siting of mobile home (farm worker accommodation)
<b>Report by:</b>	Helen Stocks
<b>Appendices:</b>	Site Location Plan Proposed Block Plan Elevations, Floor Plan and Section
<b>Recommendation:</b>	Refuse

**The application has been called in for committee determination by Councillor Vines, the Local Ward Member, to assess the suitability of this agricultural proposal given its Green Belt location.**

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site relates to land associated with Brock Farm and is located immediately opposite the existing farm complex off Church Lane in Staverton. The site is approximately 400 metres west of the main village and currently forms part of a larger agricultural field, with intermitted hedging along the eastern site boundary. There is an existing field gate along the northern boundary which provides access from Church Lane.
- 1.2. The application site is located in the open countryside, outside of any recognised settlement boundary. It is also located in the Gloucestershire Green Belt. The site is not subject to any other landscape designations and is sited in Flood Zone 1.
- 1.3. The current application seeks planning permission for the change of use of agricultural land for the temporary siting of a mobile home to be used as farm worker accommodation. The proposed mobile home would be sited in the south-east corner of the application site, measuring approximately 19.9 metres in length and 6.7 metres in width. It would have gently sloped dual pitched roof, with an eaves and ridge of height of circa. 3 and 4 metres respectively. The overall height of living accommodation when measured internally would be 3.05 metres. As such, the proposed mobile home is deemed to comply with the definition of a “twin unit caravan” in accordance with the *Caravan Sites Act 1968*.
- 1.4. The existing field access would be utilised to provide access to the proposed mobile home and the remainder of the site would be hard surfaced to facilitate the parking and

manoeuvring of vehicles. There would be landscaping to the periphery of the site and the proposed boundary treatments are post and wire stock fencing.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
95/00830/FUL	Erection of a replacement cattle shed	PER	20.12.1995
95/00824/FUL	Demolition of dwelling and erection of replacement dwelling	PER	24.08.1995
14/00195/AGR	Erection of steel framed mono pitch building	NONINT	03.04.2014
19/01047/OUT	Erection of a Farm Worker's Dwelling	REF	17.04.2020
21/00021/AGR	Construction of agricultural track.	NONINT	19.02.2021
21/00211/FUL	Erection of a calf rearing building.	Pending Consideration	

- 2.1. As set out above, an application seeking outline planning permission for the erection of a permanent agricultural worker's dwelling was refused in April 2020 (ref: 19/01047/OUT). At the time of determination, it was considered that the applicant had failed to demonstrate an essential need for a dwelling in this location contrary to JCS Policies SP2 and SD10 and TBLP Policy ARG2. It was also considered that the proposal represented inappropriate development in the Green Belt and would cause unwarranted harm to the landscape contrary to JCS Policies SD5 and SD6 respectively.
- 2.2. Since this refusal of planning permission, an application has been submitted for the erection of a calf rearing building (ref: 21/00211/FUL). This application is still pending consideration but it is understood from the supporting information that the applicant wishes to establish a calf rearing enterprise to supplement the existing beef business. It is commented that the existing buildings, which form part of the farm complex, are already in active use and/or not fit for the purposes of calf rearing. The application therefore seeks permission for a livestock polytunnel to be retained permanently in the same location. The provision of this building (polytunnel) is being relied upon as the justification and 'essential need' for the proposed mobile home. An update will therefore be provided to Members at planning committee on the status of this application.

## 3.0 RELEVANT POLICY

- 3.1. The following planning guidance and policies are relevant to the consideration of this application:

### National guidance

- 3.2. National Planning Policy Framework (NPPF)

3.3. National Planning Practice Guidance (NPPG)

**Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - December 2017**

3.4. Policies: SP2, SD4, SD5, SD6, SD9, SD10, SD14, INF1

**Tewkesbury Borough Local Plan to 2011 (TBLP) - March 2006**

3.5. Policies: AGR2

**Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)**

3.6. Policies: AGR3, NAT1, TRAC9

**Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)**

**The First Protocol, Article 1 (Protection of Property)**

#### **4.0 CONSULTATIONS**

4.1. **Staverton Parish Council:** No response received at time of writing.

4.2. **Environmental Health Officer:** No objection in terms of any noise / nuisance issues.

4.3. **County Highways Officer:** No objection.

4.4. **Flood Risk & Drainage Officer:** No comments or objection to make to this application.

4.5. **Agricultural Consultant:** Objection. There is not considered to be an essential need for a dwelling at Brock Farm.

4.6. Full copies of all the consultation responses are available online at:  
<https://publicaccess.tewkesbury.gov.uk/online-applications/>

#### **5.0 PUBLICITY AND REPRESENTATIONS**

5.1. The application has been publicised through the posting of a site notice for a period of 21 days. No letters of representation have been received.

#### **6.0 POLICY CONTEXT**

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.

6.3. The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which

do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required.

- 6.4. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.5. The relevant policies are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

### **Principle of development**

- 7.1. Criterion 4 (ii) of JCS Policy SD10 'Residential Development' sets out that on sites that are neither allocated or previously developed land, housing development will only be permitted where:
- (i) It is for affordable housing on a rural exception site in accordance with JCS Policy SD12;
  - (ii) It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within District Plans;
  - (iii) It is brought forward through Community Right to Build Orders; or
  - (iv) There are other specific exceptions / circumstances defined in District or Neighbourhood Plans.
- 7.2. In this case, criterion (iv) is applicable as Saved TBLP Policy AGR2 'Agricultural Dwellings' supports proposals for the siting of a mobile home or caravan provided it is justified and for a temporary period only. Policy AGR2 goes on to state that the siting of accommodation should where possible enhance the environment in its location, scale and design. Where practicable, any temporary or permanent accommodation should be sited close to existing buildings. It must be proven that there is no suitable alternative accommodation elsewhere and that there is a need for 24-hour attendance or supervision. The scale of the proposed dwelling should be related to the size and function of the farm unit. Within the reasoned justification for this policy, it is stated that when a farmer is unsure of the business prospects for a proposed enterprise, or where a temporary venture is proposed, the Council may consider granting a temporary permission for a mobile home or caravan, normally for a two or three year period.
- 7.3. A similar policy approach is set out in emerging TBP Policy AGR3 'Agricultural and other rural workers dwelling' which states:

*Proposals for new dwellings in relation to new agricultural, horticultural, forestry or other rural businesses may be granted a time-limited permission for temporary accommodation, such as a mobile home or caravan, to allow time to establish that the business is financially viable and there is a genuine functional need for a permanent dwelling. Temporary accommodation will normally be permitted for a period of three years, subject to meeting relevant criteria set out above. Proposals in relation to new business must provide clear evidence in the form of a business plan that shows a firm intention and ability to develop the enterprise on a sound financial basis.*

- 7.4. At a national level, paragraph 84 of the NPPF supports the development and diversification of agricultural and other land-based rural businesses. Paragraph 80 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless, inter alia, 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.
- 7.5. As such, the principle of development cannot be established without first assessing if there is an essential need for a temporary agricultural worker's dwelling in this location. This is examined in detail in later sections of this report.

### **Green Belt**

- 7.6. It is also the case that the application site is located in the Green Belt. JCS Policy SD5 makes clear that development in such location will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated.
- 7.7. Unlike the previous refused application which sought the erection of a permanent dwelling, the current proposal concerns the change of use of agricultural land to allow for the temporary siting of a mobile home. Paragraph 150 of the NPPF allows for certain other forms of development in the Green Belt – including material changes in the use of land - provided they preserve its openness and do not conflict with the purposes of including land within it.
- 7.8. In this case, it is considered that the proposed mobile home would result in the introduction of a large, albeit temporary, structure on to an otherwise undeveloped site. It would be sited separate to the existing farm complex, on the opposite side of Church Lane, and would have a sizeable volume (circa. 435 cubic metres) which would undermine the spatial openness of the Green Belt. In addition, the associated change of use of the land from agriculture to residential, with large areas of hardstanding, the parking of vehicles and associated domestic paraphernalia would cause harm to the visual openness of the Green Belt. It would also fail to safeguard the countryside from encroachment thus conflicting with one of the five purposes of including land within the Green Belt. For these reasons, the proposal is deemed to represent inappropriate development in the Green Belt which is, by definition, harmful and should not be approved except in very special circumstances.
- 7.9. The NPPF makes clear that when considering any planning applications, the local planning authority must ensure 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 virtue of its inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.10. The applicant has not made a case for very special circumstances in support of the proposal; however, if it can be demonstrated that there is an essential need for a temporary agricultural worker's dwelling in this location then it is accepted that this may constitute the 'very special circumstances' needed to justify the development in the Green Belt. This has been considered in detail below.

### **Agricultural Need**

- 7.11. The NPPF replaced Planning Policy Statement 7 (PPS7) which provided guidance on the need for new agricultural dwellings. Nevertheless, the tests set out in Annex A to PPS7 are still generally accepted as an appropriate way to assess need. In respect of agricultural dwellings, Annex A advised that the following evidence would normally be expected to justify the need for such a dwelling:

- Clear evidence of a firm intention and ability to develop the enterprise concerned.
  - Functional need.
  - Clear evidence that the proposed enterprise has been planned on a sound financial basis.
  - The functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.
  - Other normal planning requirements, e.g. on siting and access, are satisfied.
- 7.12. The application has been accompanied by a supporting Planning Statement which provides a detailed account of the existing agricultural business and the applicant's intentions to extend the enterprise. The statement sets out that Brock Farm is a mixed beef and arable farm which extends to 138 hectares of owned farmland plus 106 hectares of long-term rented farmland; a total 255 hectares (630 acres). The core business relies on buying in young (store) cattle (aged 18 – 20 months) and rearing on-site for typically 7 - 9 months before being sold on to slaughter. There are approximately 450 beef cattle housed at any one time, with the existing buildings at Brock Farm accommodating 250 beef cattle from November to April each year. The farm also grows approximately 220 acres of arable crops (wheat, barley, rye, grass and maize).
- 7.13. At present, there are two full-time and one part-time farm labourers, including the applicant and his grandson. The supporting Planning Statement explains that the applicant's grandson will take over the running of the business once the applicant retires and, in moving towards this change, the farm business seeks to diversify into calf rearing to provide additional income and make better use of resources. This fits with the existing beef rearing model and while some calves may be sold there is also an opportunity to rear them on. This is the justification for the proposed polytunnel (ref: 21/00211/FUL).
- 7.14. Brock Farm comprises a set of farm buildings only; there is no dwelling on-site. The applicant resides at Woodfold Farm, approximately 3 miles from Brock Farm, which is the only house associated with the agricultural holding. The applicant does own a pair of semi-detached houses in Staverton (1 & 2 Church Lane) but these are approximately 700 metres from the buildings at Brock Farm and currently let out on Assured Shorthold tenancies.

#### Establishment and Viability

- 7.15. The Council's Agricultural Consultant is satisfied that this is a sustainable farming business that can support at least a full-time worker and is likely to remain as such for the foreseeable future. The application for the erection of a calf rearing building (ref: 21/00211/FUL) demonstrates there is a clear intention held by the applicant to develop this new enterprise alongside the existing farm business.

#### Functional Need

- 7.16. With regard to the existing beef rearing enterprise, the Council's Agricultural Consultant points out that generally during the farming year livestock husbandry would be largely routine and would generally be carried out during the working day, with checks as appropriate. There may be times when urgent action needs to be taken; however, it is currently mature cattle that are being managed as opposed to calving cows. The Agricultural Consultant is therefore of the opinion that the housed cattle could continue to be managed remotely with

checks first and last thing. The vast majority of health issues would be picked up during the day and through such checks, with minimal risk to welfare.

- 7.17. The new calf rearing enterprise would result in approximately 60 calves on site under 3 months old at any one time. The Agricultural Consultant has advised that calves under 3 months of age would require vigilance with regular inspections and potential treatment of health issues synonymous with young calves, such as pneumonia and calf scour. Once they reach 12 weeks the calves would be weaned and hardier. It is commented that with the number of calves proposed it would be prudent for there to be a stock person within easy access. Thus, there is considered to be a functional need.
- 7.18. Security and rural crime are always an issue for farms and the Agricultural Consultant recognises that this is a factor when considering functional need. However, it is advised that each farm should be considered on its merits and there are always steps that can be taken to make a yard, buildings and equipment more secure. Therefore, security would not be sufficient reason in its own right to warrant a functional need for somebody to be based within easy access of the buildings.

#### Full-time Labour

- 7.19. The supporting Planning Statement sets out there is a requirement for approximately 3.4 full-time equivalent (FTE) workers when taking account of current stock numbers and applying the industry standard figures (*The Agricultural Budgeting and Costing Book 88<sup>th</sup> Ed.*). The proposed calf rearing enterprise would give rise to additional work and increased labour requirement of 4.06 FTE workers when using the same calculations as above.
- 7.20. The Council's Agricultural Consultant is satisfied that the beef enterprise warrants at least the equivalent of a full-time worker.

#### Other Dwellings

- 7.21. As set out in paragraph 7.11 above, where a functional need has been identified, it is necessary to investigate the availability of existing dwellings and to ensure that "the functional need could not be fulfilled by an existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned".
- 7.22. In this case the Council's Agricultural Consultant considers no weight can be attached to the potential availability of the farmhouse at Woodfold Farm. This is owned by the applicant – the current farmer – and he should be able to retire there if he wishes to do so.
- 7.23. Significant weight however should be given to the ownership of the two dwellings in Staverton. The tenancy types have not been disclosed but the Agricultural Consultant contends that it is likely one of the cottages would be on an Assured Shorthold Tenancy and therefore considered potentially available.
- 7.24. Furthermore, the Agricultural Consultant has explained that while there is a functional need, it is not considered necessary with a calf rearing unit for somebody to be within sight and sound. However, it might be considered important for a qualified worker to be within easy access of the calves. The cottages (1 & 2 Church Lane) are situated approximately 700 metres from the buildings at Brock Farm. This distance can be walked in five minutes and the site could obviously be reached faster if travelling by vehicle i.e. quad bike. The Agricultural Consultant considers that if an issue was identified in the evening, resulting in the need for a night time visit to administer medication or night-time check for example, then the cottages are within reasonable distance.

### Other Material Circumstances

- 7.25. Within the supporting documentation accompanying the application, it is advised that the personal circumstances of the applicant's grandson should be taken into account when determining this application. The Agricultural Consultant has been made aware of the health-related conditions pertaining to the applicant's grandson and has given this due consideration as far as reasonably practicable. It is acknowledged that regardless of whether there is a functional need or not, the ability to manage the farm from one of the cottages in Staverton may not be an option for the applicant's grandson.
- 7.26. Notwithstanding the above, the Agricultural Consultant has advised that there is not considered to be an essential need for a dwelling at Brock Farm.

### **Landscape Impact**

- 7.27. The application site is not subject to any landscape designation but is located within open countryside. JCS Policy SD6 requires development to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals are required to have regard to the local distinctiveness and historic character of the different landscapes in the JCS area. Proposals are also required to demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement or area.
- 7.28. The proposed mobile home would appear visually prominent when viewed from Church Lane given the open nature of the surrounding land and the lack of any screening vegetation. The impact would be mitigated to a degree given the presence of existing farm complex on the opposite side of the road although it would still represent an encroachment into the surrounding landscape.
- 7.29. The supporting Planning Statement has sought to explain the reason behind the siting of the proposed mobile home, commenting that this location is deemed preferable as it would be close to, but not within, the existing farmyard thus avoiding obvious health and safety issues. The existing farm buildings and associated yard / working area are also tightly constrained by field boundaries and it is acknowledged that there would be no room to accommodate the proposed mobile home within this area without potentially compromising the efficient working of the farm itself. As such, it is likely that the proposed mobile home would result in encroachment into the surrounding countryside wherever located, potentially with the added necessity for a new access track. At least in its proposed siting, the mobile home makes use of the existing field gateway and has been positioned close to field boundaries. It is also sited as close to existing buildings as practically possible, only separated by Church Lane, and would be read against this backdrop in mid to long range views.
- 7.30. Nevertheless, on the basis that an essential need for a dwelling in this location has not been established, it is concluded that the proposed mobile home would result in unwarranted encroachment that would harm the landscape character and visual attractiveness of the area contrary to JCS Policy SD6.

### **Residential amenity**

- 7.31. JCS Policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.

- 7.32. Given the remote location of the application site and taking account of the fact that future occupants would be closely associated with the agricultural activities taking place on the main farm complex, the proposal is not considered to give rise to any residential amenity issues.

#### **Access and highway safety**

- 7.33. JCS Policy INF1 sets out that planning permission shall only be granted where the impact of the development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 7.34. Access to the proposed mobile home would be provided through an existing field gateway onto Church Lane. There would be adequate space within the application site to safely accommodate the parking and manoeuvring of vehicles. The County Highways Authority has raised no objection to the proposal and it is not considered that the proposed development would have a detrimental impact on the safe and efficient operation of the highway network.

#### **Flood Risk and Drainage**

- 7.35. The site is located within Flood Zone 1 (low risk) as defined by the Environment Agency's most up-to-date flood risk maps. The development is therefore unlikely to be at risk of flooding or cause significant risk of flooding to third party property. It is noted that the precise drainage arrangements would be subject to building regulation approval.

### **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1. For the reasons set out above, there is not considered to be an essential need for a temporary agricultural worker dwelling in this location. While it is accepted there is a functional need based on the new farm business model, there is alternative accommodation within close proximity to Brock Farm which must be afforded significant weight in establishing whether there is an essential need. Thus, in this case, the provision of alternative accommodation within easy reach of Brock Farm means there is no essential need and the principle of development has not therefore been established.
- 8.2. The proposal is also deemed to constitute inappropriate development in the Green Belt which is, by definition, harmful and should be afforded substantial weight against the proposal in the determination of the application. There would also be harm to openness and failure to safeguard the countryside from encroachment thus conflicting with one of the five purposes of the Green Belt designation. Other harms have been identified in respect of landscape impact and the unwarranted visual intrusion into open countryside.
- 8.3. There is no advanced case for very special circumstances to outweigh the harm to the Green Belt and other harms resulting from the proposal. Therefore, the proposal is deemed contrary to the development plan and is recommended for refusal for the reasons as follows:

#### **REASONS:**

1. The proposal does not represent infilling within the existing built up area of a town or village, does not meet any of the other criteria within Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), and there are no other specific exceptions/circumstances defined in district or neighbourhood plans which indicate that permission should be granted. The proposed development therefore conflicts with policies SP2 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-

2031 (2017) in that the proposed development does not meet the strategy for the distribution of new development in Tewkesbury Borough and the application site is not an appropriate location for new residential development.

2. The proposed development conflicts with Policy AGR2 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Policy ARG3 of the Tewkesbury Borough Plan Pre-Submission Version (October 2019) and Paragraph 80 of the NPPF in that the applicant has failed to demonstrate that there is an essential need for a temporary farm worker's dwelling at this location given the close proximity of alternative accommodation within the applicant's control.
3. The proposed development conflicts with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Section 13 of the NPPF (Protecting Green Belt land) in that it represents inappropriate development in the Green Belt that would compromise its open character, appearance and function.
4. The proposed development conflicts with Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and Section 15 of the NPPF (Conserving and enhancing the natural environment) in that it would result in an unwarranted intrusion into the landscape that would be harmful to the rural character and appearance of the surrounding area.

#### **INFORMATIVES:**

1. In accordance with the requirements of the NPPF, the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy by seeking to negotiate with the applicant to address identified issues of concern and providing on the council's website details of consultation responses and representations received. However, negotiations have failed to achieve sustainable development that would improve the economic, social and environmental conditions of the area.