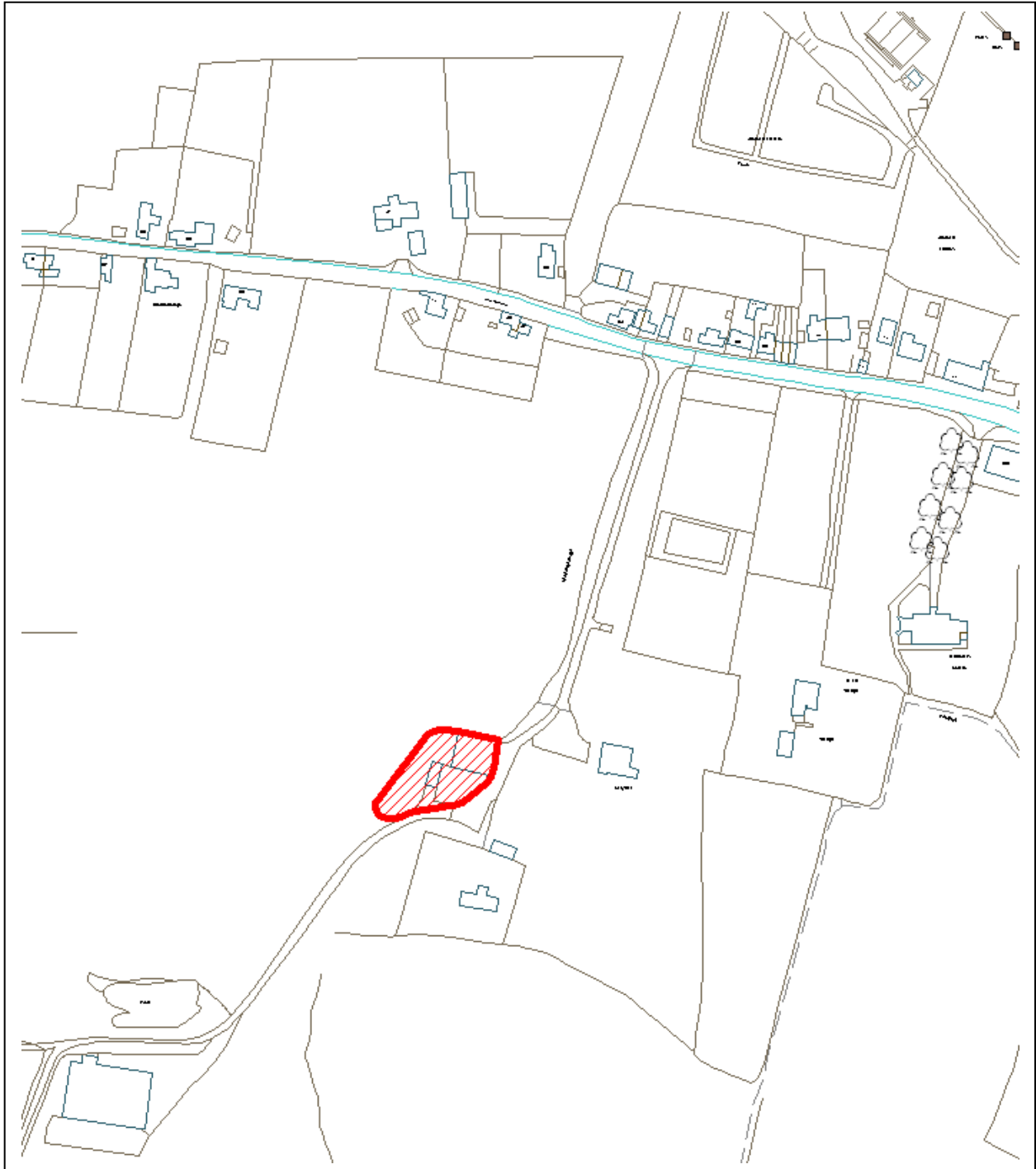


PLANNING COMMITTEE

8TH OCTOBER 2013

REPORT OF THE HEAD OF PLANNING

**A.8 PLANNING APPLICATION - 12/01084/FUL - PARKERS FARM LAND
ADJACENT KIRBY HALL, MUMFORD LANE, KIRBY LE SOKEN, CO13 0EF**



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	12/01084/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr B Parker	
Address:	Parkers Farm, Land adjacent Kirby Hall, Mumford Lane, Kirby-le-Soken, CO13 0EF	
Development:	Replacement of farm buildings with dwelling for farm manager.	

1. Executive Summary

- 1.1 This application has been referred to the Planning Committee at the request of Councillor N W Turner (Ward member for Frinton) on the basis that the proposal is an important application not only for the applicant but also for the aspirations of the Council.
- 1.2 The application site is located outside of the defined settlement limit of Kirby Le Soken, but within the conservation area of Kirby le Soken, and adjacent to the Grade II listed Kirby Hall. A further Grade II listed building, a timber framed Essex barn is located to the south of the site. A public footpath runs to the west of the application site through the agricultural field.
- 1.3 The application proposes the erection of a dwelling for a farm manager, following the demolition of existing farm buildings on the site. The proposal is effectively two-storey, with living accommodation provided within the roof space, to the effect of 4 bedrooms. A single storey element is proposed on the east elevation to provide a single car-port and farm office. The total length of the dwelling is approx 20m, the width is 11m and the height 7.5m. The dwelling would be constructed of red brick under a plain tiled roof. The roof of the car-port would be formed of clay pantiles.
- 1.4 The application proposes that the occupation be restricted to a person and his dependants who are solely employed within farming.
- 1.5 Although it is considered the proposed dwelling would not have an adverse impact on the character or appearance of the Kirby-le-Soken Conservation Area, or the setting of adjacent listed buildings, in examining the proposal against Annex A of PPS7 (still used for assessment purposes), Policy COU5 of the Tendring District Local Plan Proposed Submission Draft (November 2012), and Saved Policy HG18 of Tendring District Local Plan (2007), it is concluded that the circumstances set out in this proposal do not meet the exceptional requirements to justify an agricultural workers dwelling. Therefore new residential development in this location would be contrary to established National and Local planning policy.

Recommendation: Refuse

Reason for Refusal:

The proposed agricultural workers dwelling is considered contrary to the National Planning Policy Framework (paragraph 55), Policy COU5 (a), (b) and (c) of the Tendring District Local Plan Proposed Submission Draft (November 2012) and Saved Policy HG18 (i) and (iv) of the Tendring District Local Plan (2007).

In this instance it is considered a functional need has not been met. The farm business is arable, and therefore such circumstances will seldom apply for the requirement of an

agricultural workers dwelling on the farm itself. The applicant lives quite near to the farm premises in a house belonging to his father and this fulfils the need at present and provides office space.

Furthermore, insufficient supporting information has been submitted to prove that there are no other dwellings in the locality that could fulfil the functional need of a farm manager. It is therefore considered that it has not been demonstrated that other properties in the locality for either sale or rent are not available for occupation to fulfil the need suggested.

Moreover, the financial test is necessary to demonstrate that the farming enterprise is economically viable and to provide evidence of the size of dwelling which the unit can sustain. No information has been provided with regards to the financial circumstances of the farm business to prove that not only it is viable but also able to continue to sustain the applicant and his family. Whilst, the Council has no reason to doubt the economic viability of the business, it is a fact that such information has not been provided.

2. **Planning Policy**

National Policy:

National Planning Policy Framework (2012)

Local Plan Policy:

Tendring District Local Plan (2007)

QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
HG18	Permanent Dwellings for Agricultural Workers
COM6	Provision of Recreational Open Space for New Residential Development
EN17	Conservation Areas
HG9	Private Amenity Space
EN1	Landscape Character
EN23	Development Within the Proximity of a Listed Building

Tendring District Local Plan - Proposed Submission Draft (2012)

SD5	Managing Growth
SD9	Design of New Development
PEO4	Standards for New Housing
PEO22	Green Infrastructure in New Residential Development
PLA5	The Countryside Landscape

COU5 Agricultural and Essential Workers Dwellings

PLA7 Conservation Areas

Other guidance:

Annex A of Planning Policy Statement 7 'Sustainable Development in Rural Areas'

3. Relevant Planning History

12/01085/CON Demolition of farm buildings. Approved 07.05.2013

4. Consultations

4.1 Essex County Council Highways – No objection subject to conditions relating to details of parking, loading and turning facilities during construction period.

4.2 TDC Principal Tree and Landscape Officer - The proposed development will not affect any trees situated on the application site or adjacent land. There are no trees on the land that merit retention or protection by means of a Tree Preservation Order. In terms of the scale of the proposed structure the proposed new dwelling would be smaller than the existing barn however, the impact of a residential, rather than an agricultural, building will affect the character of the area. If consent were to be granted then a condition should be attached to secure landscaping to both partially screen and enhance the appearance of the dwelling. Boundary hedges should comprise predominantly indigenous species.

4.3 Frinton and Walton Town Council – Approval

5. Representations

5.1 Cllr N W Turner (Ward member for Frinton) – Supports the proposal for the following reason:

- This is an important application not only for the applicant but also for our aspirations for Tendring.

5.2 Cllr R J Bucke (Ward member for Holland and Kirby) – Supports the proposal for the following reason:

- I am at a loss as to why we are still living in the dark ages relative to farm/tied cottages for workers. I believe that the proposed house is a very worthy substitute for unused farm buildings in this location, for which demolition consent has been granted. Yes, it is an arable farm, for the present at least, but surely the days of providing subsidised housing for farm workers must be nearing an end in the light of modern farming practices.

5.3 2 letters of representation have been received (from the same person). The comments include:

- Roof should be same angle as Kirby Hall
- Materials are important
- Footpath concerns
- New farm buildings should be erected adj to the new grain store
- Permission must not compromise the conservation area

- Drainage concerns
- The applicant does not live with his parents
- There is no need for a farm manager to live on site as it is not a stock farm.

6. Assessment

6.1 The main planning considerations are:

- Planning Policy; and
- Impact on Conservation Area and Listed Buildings.

Site Context

6.2 The application site is located outside of the defined settlement limit of Kirby Le Soken, but within the conservation area of Kirby le Soken, and adjacent to the Grade II listed Kirby Hall. A further Grade II listed building, a timber framed Essex barn is located to the south of the site. A public footpath runs to the west of the application site through the agricultural field.

6.3 Within the application site are two redundant agricultural buildings, which are the subject of a separate conservation area consent application for their demolition (12/01085/CON). This has been approved.

Proposal

6.4 The application proposes the erection of a dwelling for a farm manager, following the demolition of existing farm buildings on the site. The proposal is effectively two-storey, with living accommodation provided within the roof space, to the effect of 4 bedrooms. A single storey element is proposed on the east elevation to provide a single car-port and farm office. The total length of the dwelling is approx 20m, the width is 11m and the height 7.5m. The dwelling would be constructed of red brick under a plain tiled roof. The roof of the car-port would be formed of clay pantiles.

6.5 The application proposes that the occupation be restricted to a person and his dependants who are solely employed within farming.

6.6 The dwelling would be sited in a similar location as the existing structures, with an orientation facing north/south to avoid any overlooking or impact upon Kirby Hall. The access arrangements would be similar to the current circumstances and no incursion into the adjoining field would be necessary.

The Farm Business

6.7 The applicant is a member of a farming and horticultural family based within Frinton, Kirby le Soken and Thorpe le Soken. The dwelling, if approved, would be occupied by the applicant, as the farm manager. The applicant currently owns and operates some 300 acres of arable farm land. This land is principally used for combined crops grown together with potatoes and onions. The applicant has personally been involved with farming this land for the past 10 years and since 2007 has been an integral part of a farming partnership 'Hamford Farming LLP' which farms over 2,000 acres within the immediate area. The applicant also manages Birch Hall farm, Kirby le Soken, which extends to 400 acres.

6.8 The applicant currently lives at The Old Vicarage, The Street, Kirby le Soken, which is located approximately 400m from the application site. This property belongs to the applicant's parent's.

Planning Policy

- 6.9 The main planning consideration in the assessment of this application is whether a robust case has been put forward to allow the erection of a new dwelling for a farm manager; bearing in mind in allowing the development, the permission would create a new dwelling outside of the defined settlement limits which is generally contrary to long established planning policy.
- 6.10 In addition, the proposal, if granted, would result in the erection of a building within the conservation area and in close proximity to some listed buildings. Therefore the impact on the conservation area and the listed buildings also needs to be considered.
- 6.11 The NPPF was published in March 2012, cancelling amongst other things, PPS7. The Framework indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and isolated new homes in the countryside should be avoided unless there are special circumstances including whether there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 6.12 There is limited national guidance for the consideration of proposals involving agricultural accommodation. Nevertheless, this appraisal has examined the soundness of the business upon the format of the advice previously contained within Annex A of PPS7 (as recently accepted by the Inspectorate under Appeal APP/B2355/A/12/2184388 against Rossendale BC), particularly as it follows the expectations required by the Council as set out within policy COU5 of the Tendring District Local Plan Proposed Submission Draft (Nov 2012), and policy HG18 of the Tendring District Local Plan (2007). In this respect the proposal needs to demonstrate that:
1. there is a proven need for the dwelling as demonstrated through both a functional and financial test;
 2. the size of the proposed dwelling is commensurate with the functional requirement of the agricultural unit and that the monetary income from the enterprise is able to sustain the cost of conversion;
 3. the enterprise has been carried out for a period of at least three years prior to the date of the planning application; and
 4. alternative accommodation which would also meet the functional requirements of the enterprise is not available.

Established Functional Need

- 6.13 Functional need arises when it is essential for the proper functioning of the enterprise for one or more workers to be available at most times. Two examples can be provided of situations where this might apply, namely:-
1. In case animals or agricultural processes require essential care at short notice.
 2. To deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example by frost damage or failure of automatic systems.
- 6.14 In this case a functional need has not been met.

The farm business is arable, and therefore such circumstances will seldom apply for the requirement of an agricultural workers dwelling on the farm itself. The applicant's agent states however in this case an established farmer still remains at the family home with his parents despite being in his 30's and having a young family. This is not a sufficient reason to grant planning permission for a new agricultural workers dwelling in the countryside.

- 6.15 The Council has commissioned an independent rural planning consultant to assess the proposal against Annex A of PPS7. This has concluded that there is no essential functional need, although some agricultural processes do generate such a need for a limited period of the year, and if the business is to continue it would be highly desirable for the manager to live close to the farm premises to provide a functional base for the business and for security. In addition, the applicant currently lives near to the farm premises in a house belonging to his father and this fulfils the need at present and provides office space.
- 6.16 It is therefore considered that the functional need has not been proven.

Financial test

- 6.17 Part of the test requires a profit to be shown in one of the last three years, and this profit should be sufficient to fund a new dwelling. On the basis that a new farm workers dwelling would cost £100,000 to build on his own land, over a period of 25 years and at an interest rate of 7%, a sum of around £8,600 per annum would be required. This figure is obtainable based on the production costs and profits of the enterprise. No evidence has been provided that the monetary income from the enterprise is able to sustain the cost of building and maintaining such a dwelling, but accounts could be requested for inspection if required, however it is the view of the independent rural consultant that an arable business such as this combining owner-occupied land and contract farming should be financially sound, generating net profits split between the partners in excess of the minimum income of a farm worker (around £15,000 per annum) and the annual cost of providing a dwelling.
- 6.18 The financial test is necessary to demonstrate that the farming enterprise is economically viable and to provide evidence of the size of dwelling which the unit can sustain. The applicant has personally been involved with farming this land for the past 10 years. The applicant's agent has not provided any information with regards to the financial circumstances of the farm business to prove that not only it is viable but also able to continue to sustain the applicant and his family. Whilst, the Council has no reason to doubt the economic viability of the business, it is a fact that such information has not been provided.

Size commensurate with functional need

- 6.19 Annex A of PPS7 states agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.
- 6.20 The proposed dwelling includes 4 bedrooms (3 double and 1 single including one with en-suite), and generous living space including large kitchen/breakfast room, living room, utility room and family bathroom. It also has a farm office with facilities accessed without entering the domestic space.
- 6.21 The proposal is for a farm manager, not a farm employee, which includes office accommodation. Such a dwelling would normally have 4 bedrooms rather than 3, which is more typical of a dwelling provided for an employee who does not normally bring work home. The dwelling therefore complies with the specification of a manager's dwelling/farmhouse.
- 6.22 It is therefore considered that the proposed dwelling is not excessively large in relation to the agricultural unit.

Availability of alternative accommodation

- 6.23 With regards to alternative accommodation which would also meet the functional requirements of the enterprise, the applicant's agent has stated that in certain respects this is currently fulfilled by the applicant and his family continuing to live nearby with his parents (400 metres away). This is confirmed by the independent expert. Nevertheless, a search on Rightmove by officers indicates no accommodation available below the £100,000 range of all properties currently available to purchase in Kirby le Soken, and seven between £146,000 and £200,000. In addition, five properties were available for sale between £200,000 and £250,000. With regards to properties for rent in Kirby le Soken, only two properties were identified, a 2-bed flat at £595 pcm, and a 2-bed semi-detached bungalow at £695 pcm.
- 6.24 With regards to this point, it is noted that the basic minimum salary of an agricultural worker is approximately £15,000, but this is generally on the basis that a tied dwelling is available on the holding to rent, and therefore the worker would pay a lower rent, which is indicated by receiving a lower wage. Without this benefit, an average wage could be said to be approximately between £18,000 and £20,000. Such a wage could command a mortgage arrangement to facilitate the purchase of a property in the range of £120,000-£150,000.
- 6.25 In this instance, the proposal being put forward is for a farm manager, not a general agricultural worker, and therefore insufficient supporting information has been submitted to prove that there are no other dwellings in the locality that could fulfil the functional need of a farm manager. It is therefore considered that it has not been demonstrated that other properties in the locality for either sale or rent are not available for occupation to fulfil the need suggested.
- 6.26 In examining the proposal against Annex A of PPS7, and policy COU5 and HG18, it is concluded that the circumstances set out in this appraisal do not meet the exceptional requirements to justify an agricultural workers dwelling.

Impact on Conservation Area and Listed Buildings

- 6.27 The removal of the existing farm buildings are considered to improve the visual appearance of the conservation area.
- 6.28 With regard to the erection of the dwelling and its impact on the conservation area, it is considered to be acceptable and in accordance with policy PLA7 of the emerging Local Plan. The proposed dwelling has been designed to reflect the traditional vernacular farmhouse while also reflecting some of the period style of dwellings found nearby and along The Street. It is also noted that the dwelling replaces farm buildings, so the visual emphasis of a building on this site has already been established, and the new dwelling is only 0.5m higher than the existing farm building.
- 6.29 With regard to the impact on the surrounding heritage assets, namely the listed buildings to the east and south, Kirby Hall to the east is already well screened from this site, by both man-made and natural features, being a substantial brick wall approx 1.8m in height, and vegetation behind this wall approx 10m in height. The proposal therefore is not considered to adversely affect the setting of Kirby Hall.
- 6.30 With regard to the listed Essex barn to the south, this is located approximately 50m from the proposed dwelling. Mumford Lane runs between the listed building and the proposed dwelling, however when navigating this lane, especially from a north to south direction, a visual emphasis is already in situ to the west of the lane when travelling along it in the form of the existing farm buildings, and therefore the erection of this dwelling, being only 0.5m

higher than the farm building, and orientated to ensure the attached single-storey element (carport and farm office) is closest to the lane, it is considered that the proposed dwelling would not adversely affect the setting of the listed Essex barn, or diminish views of it from Mumford Lane, or the public footpath which runs to the west of the application site through the agricultural field.

- 6.31 Appropriate landscaping and boundary treatment of the garden curtilage would also help to ensure this impact is not detrimental in the future, which could be controlled by condition.
- 6.32 With regards to the design of the proposed dwelling, officers do not object to the design of the dwelling. However, in relation to the aspirational objectives of the Council, this dwelling would fail in achieving the criteria for an aspirational house outside of the settlement boundaries in that it is not truly outstanding or innovative, reflecting the highest standards of architecture, or achieving the highest level of sustainable design. It is the principle of development that the proposal fails, given that a functional need for a new agricultural workers dwelling outside of the settlement boundaries has not been proven.

Conclusion

- 6.33 The proposal is recommended for refusal as a robust case has not been put forward for an agricultural workers dwelling. Indeed, an independent expert has verified that there is no functional requirement for this new dwelling.

Background Papers

None.