

2. Planning Application Description

- 2.1. This application seeks planning permission for the erection of a new dwelling and two agricultural buildings to create a new farmstead. The proposed dwelling would be to accommodate agricultural workers.
- 2.2. The proposed development is required subject to the redevelopment of the existing farmstead at Barons Park Farm, approximately 300m to the east of the application site.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located in the countryside to the west of Kirby Muxloe. The settlement boundary of Kirby Muxloe is separated to the east by agricultural fields. The site is surrounded by agricultural land and adjoined by Desford Road to the north and a railway line to the south. Immediately adjacent to the north west of the application site is New Bridge Farm which comprises a dwelling, farmstead and timber yard.
- 3.2. The application site comprises an undeveloped greenfield site. The site is relatively flat and is bound by post and wire fencing, hedgerow and mature trees.

4. Relevant Planning History

None

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No representations have been received.

6. Consultation

- 6.1. No objection, some subject to condition, has been received from the following:

Environment Agency
Waste Services
Environmental Health (Pollution)
Environmental Health (Drainage)
Leicestershire County Council (Highways)
Severn Trent Water

7. Policy

- 7.1. Core Strategy (2009)
 - None applicable
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM5: Enabling Rural Worker Accommodation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Justifying rural worker accommodation
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Ecology

Assessment against strategic planning policies

8.2. The application site is located within the designated countryside to the west of Kirby Muxloe. Policy DM4 of the SADMP states *that 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.*

8.3. This application seeks planning permission for the erection of an agricultural workers dwelling and two agricultural buildings.

8.4. Subject to planning permission ref: 15/01221/HYB being granted for the redevelopment of the existing farmstead, a general purpose farm building and workshop would be required to replace the existing space that would be lost. Additionally, the applicant has submitted evidence to demonstrate that the existing dairy farming portion of the wider business, located at Groby Parks Farm, is to be expanded. One building would be used to rear replacement heifers for future use at Groby Parks Farm. The expansion is proposed to take place on the application site for purposes of bio-security and lack of security on the land at Groby Parks Farm due to the nature of the tenancy agreement. It is agreed that both buildings are required for the purposes of maintaining and growing the existing rural business and the proposed location seems reasonable given the location in close proximity to the existing farmstead, New Bridge Farm which is associated with the wider business and the land would be owned by the farmers. The agricultural buildings,

subject to an assessment of their visual impact, would accord with Policy DM4 of the SADMP.

- 8.5. Rural workers dwellings are acceptable in accordance with Policy DM4 subject to complying with Policy DM5 of the SADMP. An assessment against Policy DM5 is made below.

Justifying rural worker accommodation

- 8.6. Policy DM5 of the SADMP states that 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.*
- 8.7. This application has been accompanied by an agricultural appraisal to demonstrate that a dwelling meets the criteria of Policy DM5. The appraisal has been independently assessed by a third party consultant appointed by the Council. Assessment against each criteria of Policy DM5 is as follows:
- a) Essential need
- 8.8. This proposal arises as a consequence of granting planning permission for a non-agricultural use on Barons Park Farm which would inevitably prejudice the applicant's established farming business and an active response to mitigate an adverse impact of the loss of the farmstead is not unreasonable. Explanation and reasoning has been given to demonstrate that replacement at associated alternative farmsteads is not possible and that the application site has merits with regards to proximity to existing buildings in the countryside and on land in the applicant's ownership. The relocation of a replacement building for machinery storage and a workshop alone would not generate an essential need for a rural worker to live on-site.
- 8.9. The case for the ready availability of a worker, as stated in the agricultural appraisal is founded on the presence of a future use of building capacity at the relocation site for an activity not currently undertaken at Baron Park Farm; namely the housing of dairy replacements to support the dairy activities at Groby Park Farm. The agricultural appraisal makes an assessment of the labour requirements of the farming business both presently and following the projected expansion of the dairy herd. The assessment concludes that the overall full-time labour requirement would increase from 8 to 11 workers; 2 of which are attributed to the dairy activity.
- 8.10. It is agreed that were the proposed livestock activities to be established at the intended relocated farmstead adjacent to New Bridge Farm, the scale and nature would be such as to generate a labour requirement for a full-time worker, and that animal welfare requirements would suggest the worker be readily available. To

ensure that the cattle business is expanded to facilitate the essential need a condition shall be imposed to ensure the agricultural buildings are erected and ready for occupation of cattle prior to occupation of the dwelling.

b) Economic sustainability

- 8.11. It would be common practice where a new farming business associated with cattle is established, to approve temporary accommodation on-site to allow the applicant's to demonstrate that the business is sustainable. In this instance, although new farming practices are to be located at the proposed site which are not currently undertaken at Baron Park Farm, these are an extension of, and support for, existing farming practices associated with the wider business which is considered sustainable. The agricultural appraisal states that the farm profits for the last four years are capable of sustaining the cost of the dwelling and livestock buildings. The accounts for the past four years show year on year growth with sound profit levels and a high level of net assets. Therefore, it would be unreasonable to consider it necessary to permit temporary accommodation for the purposes of demonstrating the business is sustainable.

c) Availability of alternative accommodation

- 8.12. The proposed relocated buildings would be only a short distance from Kirby Muxloe which provides a significant amount of housing. If suitable housing were available in Kirby Muxloe It would in-principle be sufficiently close to provide appropriate accommodation in normal circumstances. However, as in this instance, it would not be sufficiently close to adequately monitor housed livestock outside normal working hours and to identify health or environmental problems requiring immediate attention. Therefore, it is considered that there is no available alternative to providing accommodation for a rural worker to meet the needs of the business.

d) Appropriateness of size and scale

- 8.13. The proposed dwelling is a four bedroom, two storey house equating to 161 sqm of floor space. Additionally, there would be 64.3 sqm of integral farm office and double garaging. The combined living, office and garaging accommodation would equate to 225.3 sqm floor space. In national terms, the average floor space for a principal rural worker's dwellings has risen to around 200 sqm. The proposed dwelling would exceed the national average when including the garaging. However, the proposed would not be significantly larger than the national average and subject to the visual impact, the additional floorspace would not be harmful as the business is capable of sustaining the costs of the dwelling. Additionally, the proposed dwelling would replace the existing accommodation at Baron Park Farm which comprises a large farmhouse and two ancillary cottages. The proposed dwelling would result in a significantly lower level of accommodation associated with the farming business. In this instance, it is considered that the proposed size and scale of the accommodation is appropriate to meet the needs of the business.

Concluding remarks

- 8.14. It is considered that both elements of the proposal, the replacement dwelling and farm buildings, would be in accordance with Policies DM4 and DM5 of the SADMP. The proposed dwelling shall be subject to an agricultural occupancy condition.

Design and impact upon the character of the area

- 8.15. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy DM4 of the SADMP seeks to ensure that development does not have a significant adverse

impact on the intrinsic value, beauty, open character and landscape character of the countryside.

- 8.16. The application site comprises a greenfield site located to the south of Desford Road. The site is adjacent to New Bridge Farm and would be partially screened from view the timber yard fronting onto Desford Road. The residential dwelling has been sited close to the timber yard and adjoining boundary which comprises mature trees to inhibit views of buildings which are uncharacteristic of a rural location and with the agricultural buildings the primary subject of views from the surrounding area. A landscaping plan has been submitted which shows significant additional planting along the east and west boundaries of the site and an area of woodland planting between the proposed buildings and New Bridge Farm which shall be secured through a planning condition. Although the proposed development would introduce built form into a greenfield location, it has been sited as close as possible to existing built form and when considered the justified need, is considered not to have a significant adverse impact on the countryside.
- 8.17. The proposed development is in accordance with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.18. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties.
- 8.19. The application site is located adjacent to New Bridge Farm. New Bridge Farm is occupied by a rural worker associated with the same business as the proposed development. Having regard to the nature and use of the buildings for machinery storage and cattle rearing, it is considered that the proposed development would not give rise to adverse impacts on neighbouring amenity. Environmental Health (Pollution) have raised no objection to the proposal following further discussion regarding the nature of the business and interrelationship of the properties.
- 8.20. The proposed development would be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.21. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.22. The application site benefits from an existing access onto Desford Road. The existing access is used infrequently but has unrestricted use for agricultural vehicles. It is proposed to upgrade the access to serve the proposed development with two accesses from the driveway; one for the dwelling and one for the agricultural building. As submitted the access plan does not meet the 6Cs Design Guide. However, Leicestershire County Council (Highways) have raised no objection to the upgrading of the access to meet the requirements for the 6Cs which can be secured through the imposition of planning conditions.
- 8.23. There would be sufficient car parking provision for both the dwelling and agricultural buildings with sufficient manoeuvring space within each respective area.
- 8.24. It is considered that the proposed development would provide sufficient car parking provision and would not have an adverse impact on highway safety. The proposed development would be in accordance with Policies DM17 and DM18 of the SADMP.

Drainage

- 8.25. Policy DM7 of the SADMP seeks to ensure that surface water and groundwater quality are not adversely impacted by new development and that it does not exacerbate flood risks.
- 8.26. The application site is located within flood zone 1. Environmental Health (Drainage, Environment Agency and Severn Trent Water have raised no objection to the proposal subject to the imposition of a condition requiring drainage details to be submitted. There is sufficient space on-site to accommodate sustainable drainage. The proposed development would not exacerbate or create flood risk nor adversely impact on groundwater quality and is in accordance with Policy DM7 of the SADMP.

Ecology

- 8.27. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation.
- 8.28. A Phase 1 Survey has been submitted with this application which demonstrates that there is limited evidence of badgers travelling and foraging on the site and bats commuting and foraging along the site boundaries.
- 8.29. The proposed development would retain the existing boundary vegetation and would not impact on the trees of value to bats for foraging and roosting. The development would reduce the area available for badgers to roam but will not directly impact on their habitat. Recommendations are proposed within the submitted report which should be secured through a planning condition.
- 8.30. The proposed development would not have an adverse impact on biodiversity and features of nature conservation in accordance with Policy DM6 of the SADMP.

9. Equality Implications

- 9.1. 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.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The application site is located in the countryside where residential development is restricted by Policy DM4 of the SADMP. The proposed buildings are required for the purposes of agriculture and the dwelling is required to accommodate an agricultural worker. An assessment of the requirement for the dwelling has been undertaken and is acceptable in accordance with Policy DM5 of the SADMP.
- 10.2. The proposed development would not have a significant adverse impact on the character and appearance of the countryside and would not adversely impact on highway safety. There is one neighbouring dwelling, associated with the wider business, which would not be adversely impacted by the development due to their

relationship and the nature of the use of the site. The development could provide sufficient drainage to maintain water quality and not exacerbate flood risk. The proposal would not have an adverse impact on features of nature conservation.

- 10.3. The proposed development is in accordance with Policies DM1, DM4, DM5, DM6, DM7, DM10, DM17 and DM18 of the SADMP.

11. Recommendation

- 11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

- 11.2. That the Planning Manager Development Management be given powers to determine the final detail of planning conditions.

11.3. 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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, details and materials:

AT/F1.3a - Site Location Plan (received on 13 November 2015)

AT/F1.1a - Proposed Layout Plan (received on 13 November 2015)

AT/F1.2a - Replacement Farmhouse, Farm Office and Garage (received on 13 November 2015)

35152 - Agricultural Buildings A & B Floor Plans (received on 13 November 2015)

35152 - Agricultural Building B Elevations Plan (received on 13 November 2015)

35154 rev A - Agricultural Buildings B Elevations Plans (received on 3 February 2017)

Reason: To ensure a satisfactory impact of the development to accord with Policy DM1 of the adopted Site Allocations and Development Management Policies DPD.

3. Prior to commencement of development above damp course level of the dwelling hereby permitted,, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

4. The dwelling hereby permitted shall not be occupied until Agricultural building B, to be used for housing livestock, has been completed and is ready for occupation by livestock in accordance with Drawing no. 35154-Rev A

(received by the Local Planning Authority on 03/02/2017). Prior to occupation of the dwelling, evidence of completion and readiness for occupation by livestock of the Agricultural Building B shall be submitted to the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure the dwelling is used for residential purposes related to the efficient working of the rural economy in accordance with Policies DM4 and DM5 of the Site Allocations and Development Management Policies DPD.

5. 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, a widow or widower of such a person, and any resident dependants.

Reason: For the avoidance of doubt and to ensure the dwelling is used for residential purposes related to the efficient working of the rural economy in accordance with Policies DM4 and DM5 of the Site Allocations and Development Management Policies DPD.

6. The landscape planting as shown on drawing no. AT/F1.1A shall be wholly carried out in the first planting season following first occupation of the dwelling hereby permitted. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

7. Prior to first use of any building hereby permitted, the vehicular access to the site shall be widened to an effective minimum width of 6 metres, plus 0.5 metres on each side which is bounded by a wall, fence or other structure, by over a distance of at least 10 metres behind the highway boundary and shall thereafter be permanently so maintained.

Reason: To ensure that vehicles entering and exiting the site may pass each other clear of the highway and not cause obstruction and dangers within the highway to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

8. Prior to first use of any building hereby permitted, the vehicular access shall be provided with 6 metre control radii on both sides of the access.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner in the interest of highway safety to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

9. Prior to first use of any building hereby permitted, the access drive and any turning space shall be surfaced with a hard bound material for a distance of at

least 10 metres behind the highway boundary and shall be so maintained at all times.

Reason: To reduce the possibility of deleterious material being deposited in the highway to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

10. Prior to first use of any building hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and therefore shall be so maintained.

Reason: To prohibit surface water from the site being deposited in the highway causing danger to highway users to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

11. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as not to open towards the highway.

Reason: to enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic in the public highway to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

12. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleaning facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce deleterious materials being deposited in the highway and becoming a hazard to road users and to ensure that construction traffic does not lead to on-street parking and inhibit free movement of traffic to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

13. Development shall not commence until surface water drainage details, incorporating sustainable drainage principles have been submitted to and approved by the Local Planning Authority. the scheme shall subsequently be implemented for each applicable building in accordance with the approved details before that building is brought into first use.

Reason: To ensure groundwater quality is maintained and the flood risk is not exacerbated to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

14. Prior to commencement of development, a badger survey shall be undertaken, submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out wholly in accordance with the recommended mitigation measures as detailed in the survey.

Reason: To protect and enhance features of nature conservation and biodiversity value to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD.

15. Prior to first occupation of any building hereby permitted, a scheme for lighting of any external area of the site or buildings shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be erected as approved and shall remain as such in perpetuity.

Reason: To ensure there is no light spill towards vegetation corridors which are importance features for nature conservation to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD.

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

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

11.4. **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.