

Application for Determination

Parish	Mautby		
Reference	BA/2016/0065/FUL	Target date	15 April 2016
Location	Poplar Farm, Church Lane, Runham		
Proposal	New dwelling		
Applicant	Mr Jonathan Green		
Recommendation	Approve subject to conditions		
Reason for referral to Committee	Director discretion		

1 Description of Site and Proposals

- 1.1 The application site is Poplar Farm, a modest agricultural base at Church Farm, Runham. It is located remote from the main settlement of Runham at the southern end of Church Lane, south of St Peter and St Paul's Church and on the edge of, but outside, the Halvergate Marshes Conservation Area.
- 1.2 The application site lies immediately east of the farm site which measures approximately 1.5 hectares and in 2015 planning permission was granted for extensions and new buildings to support the raising of sheep, cattle and other livestock which graze on various sites in the local area (BA/2015/0188/FUL).
- 1.3 Church Lane turns 90 degrees to the west at the farm and on the southern side of the road to the west there is a small group of dwellings. A public footpath runs along the western boundary of the farm in a southerly direction towards the River Bure. East of the site there is land used for the grazing of horses accessed by a private, unmade track and to the south there are open grazing marshes. To the north the land rises gently towards Runham Road which passes through Stokesby, Runham and Mautby. This area has a strong rural and agricultural character. The application site is outside any development boundary and in flood risk zone 3.
- 1.4 The application site itself measures approximately 1200 square metres and is rectangular in shape, running parallel with and immediately adjacent to the unmade track. It is understood a dwelling once occupied the site but that this was destroyed in World War II, the farm operations subsequently moved to the west and the site has been vacant since. A mature tree stands within the site.

- 1.5 The application proposes the erection of a new dwelling. This would be sited centrally, requiring removal of the tree, and be one and a half storeys in height. The main body of the dwelling would face north and be oriented parallel with the track, to the south a lower wing would extend at 90 degrees with two covered parking bays on the ground floor, accessed from the west. Brick would be the predominant material, with timber weatherboarding to the carport wing and the roofs would have smut pantiles. The dwelling would have traditional detailing with parapet gables, arched brickheads and both catslide and gabled dormer windows.
- 1.6 The dwelling is proposed to be occupied in association with Poplar Farm and on the ground floor a boot room, utility room and office would be accessed through the carport. On the first floor, there would be a lounge, three bedrooms and a bathroom. The applicant is currently staying on site in a touring caravan which benefits from permitted development rights for seasonal agricultural use, previously the static caravan subject of refused application BA/2015/0190/FUL was occupied.
- 1.7 A sewage treatment plant is proposed within the curtilage area which would be bound by new hedge and tree planting to the north, west and south. Access would be through an existing gateway in the northwest corner, with another existing opening in the west boundary giving direct access into the farm.

2 Site History

BA/2015/0188/FUL - Retention of existing extensions to agricultural barns plus further extensions and erection of an additional farm building - approved subject to conditions.

BA/2015/0190/FUL - Retention of residential caravan - refused for the following reasons:

1. The application proposes a new permanent dwelling for farm workers on an existing farm outside a development boundary. In accordance with paragraph 55 of the National Planning Policy Framework (2012), Policy DP26 of the adopted Development Management Policies DPD (2011) allows for new dwellings for agricultural and other rural workers outside development boundaries where there is an essential need. It has not been satisfactorily demonstrated that there is an existing need for full time workers to be available at all times for the farm to function properly and therefore the application is contrary to criterion (a) of Policy DP26 of the adopted Development Management Policies DPD (2011) and paragraph 55 of the National Planning Policy Framework (2012).
2. Insufficient information has been submitted to demonstrate whether the farm business has been profitable in the last three years, whether it is financially sound or whether it has a clear prospect of remaining so. In

the absence of such information, it is not considered appropriate to allow a permanent dwelling on the site and the proposal is considered contrary to criterion (c) of Policy DP26 of the adopted Development Management Policies DPD (2011).

3. Insufficient information has been submitted to assess whether there are any other dwellings available locally which could meet the worker's need (should there be a demonstrable need for a worker(s) to live on site). It would be inappropriate to allow a dwelling on the site without being satisfied that there are no other existing dwellings which could meet any need and the proposal is contrary to criterion (d) of Policy DP26 of the adopted Development Management Policies DPD (2011).
4. The application proposes siting a use classified as 'highly vulnerable' (in accordance with paragraph 66 Table 2 of the Planning Practice Guidance revision date 06/03/2014) in flood risk zone 3. In accordance with paragraph 67 Table 3 of the Planning Practice Guidance (revision date 06/03/2014), this development should not be permitted. Accordingly, the proposal is at an unacceptable risk of flooding contrary to paragraph 100 of the National Planning Policy Framework (2012), Policy CS20 of the adopted Core Strategy (2007) and Policy DP29 of the adopted Development Management Policies DPD (2011).
5. The application proposes the permanent retention of a static caravan on this site which is open to views from the grazing marshes to the south, adjoins the Halvergate Marshes Conservation Area and is seen in the setting of the Grade II* Church of St Peter and St Paul. A static caravan is not considered an appropriate form of development in this setting as the low quality and off-the-shelf appearance adversely affect the setting of the designated heritage assets and local landscape character. The proposal, by virtue of its form, design and materials, is considered contrary to Policy CS1 of the adopted Core Strategy (2007), Policies DP2, DP4 and DP5 of the adopted Development Management Policies DPD (2011) and paragraphs 60, 64, 115, 131 and 133 of the National Planning Policy Framework (2012).

BA/2015/0408/FUL - Retrospective application for the infilling of two ditches and new access with gates - approved subject to conditions.

3 Consultation

Parish Council - No objections and support this planning application.

Broads Society - No response.

District Member - No response.

Environment Agency - No objection to amended proposal providing you are satisfied the development would be safe for its lifetime and you assess the acceptability of the issues within your remit.

Highway Authority - The site is accessed off a private track served by a single track road which is a public highway but has no formal passing provision. Given the existing development served off this section of highway, I do not consider the increase in traffic movements represent a material increase; in fact given the use if associated with the agricultural business of Poplar Farm it may generate less traffic movements than a standard family property. Accordingly no objections, recommended condition on parking and turning space.

Environmental Health Officer - Requested Phase One contamination survey.

4 Representations

- 4.1 One neutral representation observing that the submitted Flood Risk Assessment refers to the site being in flood zone 3b, that the determination of application BA/2015/0190/FUL referred to a dwelling being unacceptable in this flood zone and that the building does not appear to be on the footprint of any previous building on the site.
- 4.2 Nineteen representations in support of the proposal have been received from family, friends, customers and neighbours of the applicants. A petition with 48 signatures in support of the proposal was also submitted with the application.
- 4.3 A letter has also been received from the East Norfolk NFU branch giving the applicants full support and stating they are satisfied there is a genuine need to be on site for reasons of welfare and security.

5 Policies

- 5.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application. [NPPF](#)

[Core Strategy Adopted September 2007 pdf](#)
[DEVELOPMENTPLANDOCUMENT](#)

CS1 – Landscape
CS24 – Residential Development and the Local Community
DP1 - Natural Environment
DP2 - Landscape and Trees
DP3 - Water Quality and Resources
DP4 - Design
DP11 - Access on Land
DP29 - Development on Sites with a High Probability of Flooding

- 5.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those

aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

CS18 – Rural Sustainability

CS20 – Rural Sustainability

DP5 – Historic Environment

DP22 - Residential Development within Defined Development Boundaries

DP26 - Permanent and Temporary Dwellings for Agriculture, Forestry and Other Workers

DP28 - Amenity

6 Assessment

- 6.1 The key issues to consider in the determination of this application are the principle of the development and, if acceptable, flood risk, amenity, design, landscape, ecology, water quality and highways.

Principle

- 6.2 The site is outside a development boundary where there is a presumption against new dwellings unless there are special circumstances, and, in accordance with paragraph 55 of the National Planning Policy Framework, Policy DP26 allows for agricultural worker's dwellings if there is an essential need. It is therefore necessary to consider the principle of the development with regard to criteria (a) to (f) of Policy DP26.
- 6.3 Criterion (a) requires there to be a demonstrable existing need for full time worker(s) to be available at all times for the enterprise to function properly. The farm currently has 35 cows, increasing to 50 by the end of 2016 and 60 by the end of 2017 and 50 breeding ewes who will lamb this year, increasing to 75 by the end of 2016. An average of 50 additional bottle fed lambs are purchased each year and approximately 50 turkeys are also raised. The livestock is bred to produce meat which is sold directly to customers.
- 6.4 The primary reason for the proposed dwelling is for the welfare of the livestock so that there is someone available within sight and sound 24/7, particularly during calving (January to April) and lambing (end of April to mid-June) when close supervision and assistance is often necessary. A letter from a vet has been submitted with the application, verifying that it is essential for animal welfare that there is someone living within sight and sound and that the animals need to be checked several times a day. The letter of support from the NFU states there is a genuine need for the applicants to be on site for reasons of animal welfare and security.
- 6.5 Health and safety is also cited as reason, as anyone working on site would be less likely to be alone on the site and the dwelling would provide hygiene facilities and medical supplies, as well as warmth and shelter, in the event of an accident.
- 6.6 At present, when not occupying the touring caravan used in accordance with permitted development rights, the applicant and his partner reside at and

travel from their parents' homes, each over five miles from the farm. The application notes these journeys affect the economic viability of the farm due to the cost of travelling, increase the time to respond to emergencies and add to fatigue and stress. There have been incidences of animals escaping or being stuck in ditches when neighbours or visitors have had to contact the applicant to travel to site and respond. The application also cites prevention of rural crime and fire by on-site surveillance as reasons in support of a dwelling and refers to theft and trespass which have previously occurred here. An undated letter from a Police Constable states that an on-site dwelling would be beneficial from a crime prevention perspective.

- 6.7 With regard to criterion (a), it is considered that there would be benefits to the welfare of the animals and viability of the business to have the applicant living on site. Criterion (a) requires there to be a demonstrable essential need and in light of the letters of support from a vet, the NFU, the Police and also the CLA and Institute of Agriculture it is considered there is a case for an on-site dwelling. It should however be noted that the permission for the farm buildings (BA/2015/0188/FUL) only allows these to be occupied in special circumstances (e.g. lambing and calving, treatment for illness or injury) from April to October, so the animals are out to graze for spring and summer in the interests of protecting the amenity of neighbouring occupiers. The majority of the livestock should therefore be off-site for seven months of the year, reducing the need to be present on site during this period. However, the circumstances when livestock can occupy the buildings in those months are those when it is likely the animals would require more attention. It should also be noted that the applicant has been residing on site, initially in the static caravan, and now in a touring caravan due to the demands of the existing farm activity. On balance, it is therefore considered there is a demonstrable need which satisfies criterion (a).
- 6.8 Criterion (b) requires the need to arise from a worker employed full-time or primarily in the Broads in agriculture. The application asserts that there is a current need for 1.79 full-time equivalent workers from the existing herds and although the applicant and his partner undertake other work and contracts off-site, their focus is increasingly on the more profitable work at Poplar Farm as this expands. It is considered there is a need for at least one worker on-site full-time.
- 6.9 In terms of criterion (c) and the profitability of the existing business, figures have been submitted which demonstrate a modest profit has been made each year since 2012 after demands on profit have been taken into account and a business plan for the next three years has been submitted which projects increasing income and profit. It is therefore considered criterion (c) is satisfied.
- 6.10 Criterion (d) requires there to be no other dwelling on site or in the locality that could meet the need. Whilst it is appreciated that there was a dwelling here in the early twentieth century, there is no existing dwelling on site. A static caravan, subject of refused application BA/2015/0190/FUL for residential use, remains on site but is no longer occupied residentially and, due to the greater vulnerability to flood risk and inappropriate visual appearance, it is not

considered an appropriate form of residential accommodation on this site. It should also be noted there are no buildings on site which would be appropriate for conversion to a dwelling. With regard to other dwellings available in the locality, the application identifies that one dwelling has been for sale within a one mile radius but this was at a price which the applicant states a mortgage for would not be financially viable for the business and there are no properties available to rent in the same area. Given the case for need considered in respect of criterion (a), a search radius of one mile is considered reasonable and it is considered criterion (d) is satisfied.

6.11 Criterion (e) requires dwellings permitted under this policy to be commensurate in size and scale with the needs of the business. Approximately half the ground floor space of the dwelling is occupied by the office, utility room and boot room associated with the farm with three bedrooms and the majority of the living accommodation on the first floor. The scale with regard to design is considered below, but in terms of the accommodation offered, this is considered to be relatively modest and whilst three bedrooms may not be necessary for the applicant and his partner at present, it is appreciated they are a young couple who plan to start a family and the spare bedrooms could also offer temporary accommodation for contractors or employees. The proposal is therefore considered to comply with criterion (e).

6.12 With regard to criterion (f) and adverse impacts on protected species and habitats, the current site is not considered to have any significant potential for protected species or offer valuable habitat and the proposal is acceptable in this respect, subject to the inclusion of biodiversity enhancements in the development.

Flood Risk

6.13 The submitted Flood Risk Assessment concludes the site can be considered to be in flood zone 3a and the Environment Agency agree with this, taking into account the presence of defences. To address an initial objection from the Environment Agency, the finished ground floor level has been raised to above the 1 in 200 year (including climate change) flood level. In order for this 'more vulnerable' development to be acceptable in flood zone 3a, it must pass the Sequential and Exception Tests.

6.14 To pass the Sequential Test it must be demonstrated that there are no other reasonably available sites at a lower risk of flooding. Whilst there may be other sites at a lower risk of flooding locally, if there is an essential need to live on site then it is not appropriate to consider other sites and in this respect, providing criterion (a) of Policy DP26 is satisfied, the Sequential Test can be passed.

6.15 To pass the Exception Test, it must be demonstrated that:

- the development provides wider sustainability benefits to the community which outweigh flood risk; and,
- the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

- 6.16 By supporting the existing and expanding farm business, it is considered the community would benefit from the proposal and that sustainability appraisal objectives are fulfilled by the proposal. Whilst the risk of flooding is high, the need to live on site and benefits of doing so are considered to weigh in favour of the proposal. Furthermore, it is considered the development would be safe, subject to appropriate conditions to manage residual risk, and would not increase flood risk elsewhere. The proposal is therefore considered to pass the Exception Test and be acceptable with regard to flood risk in accordance with Policies CS0, DP29 and paragraphs 100-103 of the National Planning Policy Framework.

Amenity

- 6.17 The existing farm would sit between the dwelling and nearest neighbouring dwellings to the west along Church Lane. Given the distance (over 100 metres) and intervening farm development, it is not considered the dwelling would have any unacceptable impacts on the amenity of neighbouring residential occupiers to the west, or the stable and grazing uses to the east. The proposal is therefore considered acceptable in accordance with Policy DP28.

Design

- 6.18 Given that this open countryside site would not otherwise be considered appropriate for a new dwelling, it is considered necessary to secure a sensitive, high quality design. The proposal takes a traditional form and uses appropriate materials. Although the scale is quite substantial for a marsh-edge farmhouse, the overall design takes reference from other local dwellings and the scale is not considered inappropriate for its purpose, site or setting. The application proposes removal of the existing static caravan on site which provides storage and ancillary facilities and this should be secured by condition to improve the appearance of the site. It is also considered necessary to remove permitted development rights in the interests of managing future development of this site. The dwelling is therefore considered acceptable in accordance with Policy DP4 and is not considered to have any adverse impact on the adjacent Conservation Area or the setting of the nearby listed church in accordance with Policy DP5.

Landscape and Ecology

- 6.19 With regard to the wider landscape setting, settlement in this area is characterised by isolated farmhouses on the higher ground at the edge of the marshes outside the small settlements of Stokesby, Runham and West Caister. The proposal is therefore in keeping and subject to an appropriate detailed landscaping scheme, it is not considered to have any adverse landscape impacts. Subject to conditions on landscaping and biodiversity enhancements, the proposal is acceptable in accordance with Policies DP1 and DP2.

Other matters

- 6.20 A treatment plant is proposed to deal with foul water and this is considered acceptable in accordance with Policy DP3.

- 6.21 Subject to a condition securing appropriate parking and turning prior to occupation, the Highways Authority have no objection and the proposal is considered acceptable in accordance with Policy DP11.
- 6.22 A plan has been submitted identifying the likely timeline of development within the farm and of the dwelling, proposing construction of the dwelling would start in Autumn 2017. It is appreciated if there is a demonstrable existing need for a dwelling on site for the enterprise to function properly, this may need to be met by alternative means until construction of the dwelling is complete. The applicant is currently using permitted development rights to allow seasonal use of a touring caravan and the static caravan which was occupied previously remains on site used for other purposes. Caravans are classified as a highly vulnerable use in flood risk terms and should not be permitted in flood zone 3a and therefore allowing even a temporary permission for such accommodation would be inappropriate. Should the seasonal use of the touring caravan become permanent (and thus unauthorised) or residential occupation of the static caravan resume (also unauthorised) until any permanent dwelling is constructed, it would be appropriate to address this by serving an enforcement notice with a long compliance period.

7 Conclusion

- 7.1 The application proposes a new agricultural workers dwelling in connection with the existing agricultural business at Poplar Farm. The site is outside a development boundary and remote from the nearest settlement. There must therefore be a robust case and demonstrable essential need to allow a new dwelling here.
- 7.2 It is considered that there is a need for supervision on site for animal welfare purposes and this would have added benefits for health and safety and security, supporting the functioning and viability of the farm business. On balance, it is considered that sufficient information has been provided to justify this case with regards to the criteria of Policy DP26 and that the proposed dwelling is acceptable in terms of flood risk, amenity, design, landscape, ecology, water quality and amenity.

8 Recommendation

- 8.1 Approve subject to conditions:
- (i) Standard time limit
 - (ii) In accordance with submitted plans
 - (iii) Materials to be agreed
 - (iv) Biodiversity enhancements to be agreed
 - (v) Landscaping scheme to be agreed
 - (vi) Flood resilience/resistance measures to be agreed
 - (vii) Parking and turning area to be provided prior to occupation
 - (viii) Treatment plant to be installed prior to occupation
 - (ix) Flood plan prior to occupation
 - (x) Removal of static caravan within three months of first occupation

- (xi) Remove permitted development rights
- (xii) Agricultural occupancy

8.2 It is also recommended that authority is given to serve an enforcement notice in order to prevent establishment of touring or static caravans.

9 Reason for recommendation

9.1 The proposal is considered acceptable in accordance with Policies CS1, CS18, CS20 and CS24 and of the adopted Core Strategy (2007), Policies DP1, DP2, DP3, DP4, DP5, DP11, DP22, DP26, DP28 and DP29 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of the application.

Background papers: Planning File BA/2016/0065/FUL

Author: Maria Hammond
Date of Report: 18 April 2016

List of Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

