

PLUM TREE PARK FARM, CHURCH LANE, BETLEY
MR H KENNERLEY

21/00499/FUL

This application seeks full planning permission for a farm manager's dwelling.

The site lies within the Open Countryside, which is designated as being within the Green Belt and an Area of Landscape Enhancement, as indicated on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expired on 14th July but an extension of time has been agreed to 17th September 2021.

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Provision of parking and turning areas**
- 4. Electric vehicle charging provision**
- 5. Landscaping**
- 6. Materials**
- 7. Occupation of dwelling limited to a person working in agriculture or forestry**

Reason for Recommendation

Although the proposal comprises inappropriate development within the Green Belt, the applicant has made a compelling case to demonstrate that there is an essential need for an additional rural worker to live permanently on the site and therefore it is considered that the very special circumstances exist to outweigh the harm by definition.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

Key Issues

The application is for full planning permission for a farm manager's dwelling. The site lies within the Open Countryside, which is designated as being within the Green Belt and an Area of Landscape Enhancement, as indicated on the Local Development Framework Proposals Map.

It is not considered that the application raises any issues of impact on residential amenity or highway safety and therefore the main issues for consideration in the determination of this application are:

- Is the principle of an agricultural worker's dwelling on this site acceptable?
- Does the development represent appropriate development within the Green Belt?
- Would the proposed development have any adverse impact on the character and appearance of the area?
- If not appropriate development in the Green Belt, do the required very special circumstances exist that would outweigh the harm caused by inappropriate development or any other harm?

Is the principle of an agricultural worker's dwelling on this site acceptable?

The applicant, A.W. & D Kennerley & Son, is a farm partnership operated by Mrs D Kennerley (retired), Mr & Mrs Kennerley (senior) and Howard Kennerley. The family farms approximately 260ha of land. The livestock includes 185 dairy cattle on an all-year-round calving system along with 650 ewes and approximately 1250 lambs per year.

The application states that as it stands the enterprise requires at least six people to meet the essential welfare needs of the livestock. There are currently just four, David and Howard Kennerley, a full-time herdsman and a general farm worker. At present, there are two dwellings at Plum Tree Park Farm; the main farmhouse occupied by David & Shirley and a small agricultural workers bungalow (Fairfields) occupied by a full-time herdsman.

Mr Kennerley senior is retiring and Howard will take over full-time responsibility for the day to day running of the enterprise. However, he currently lives at Loggerheads, approximately 25-30 minute drive from the farm. With David retired, there would be just one, less experienced full-time worker living at the farm, and a dwelling is now required for Howard to enable him to live in close proximity and respond to the essential needs of the enterprise.

Paragraph 80 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless one or more of a number of circumstances apply. These include where 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.

Paragraph 84 of the NPPF recognises that planning decisions should enable, amongst other things, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

PPS7: Sustainable Development in the Rural Area (2004) was replaced by the publication of the NPPF in 2012. However, the annex to PPS7 contained advice relating to occupational workers' dwellings and it is considered that the criteria contained within the annex remain an appropriate way to assess this issue.

Annex A of PPS7 states that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:

- i) there is a clearly established *existing* functional need;
- ii) the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- iv) the functional need could not be fulfilled by another existing dwelling on the unit, or by any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

Firstly, turning to the functional need for a dwelling on the site, PPS7 states that a *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement may arise, for example, if workers are needed to be on hand day and night to provide essential care at short notice or to deal quickly with emergencies. It goes on to say that the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one.

The application sets out why it is considered that there is an essential need for a stock person to be readily available at most times near the livestock to conduct frequent monitoring and attend to the needs of the livestock. This is the only method to satisfactorily ensure the welfare of the cattle, sheep and lambs in their care and, therefore, the efficient operation of the business.

It is accepted that the particular nature and demands of this farming enterprise make it essential for a worker to be resident on the site. PPS7 states that if a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.

An Agricultural Business Appraisal sets out the standard labour requirement for the whole agricultural business and calculates that 6.56 full time farm workers are necessary to meet the labour requirement on the farm. This is based on a full-time equivalent of 275 days per person. No stock person can provide effective 24-hour cover on a continuous basis as they will require time to sleep, time off, annual leave and sick leave. Therefore, two stock persons on active duty are required every 24 hours. Mr Kennerley senior is retiring from the business, leaving one key worker. Consequently, a second stock person is required to ensure that all 24-hour periods throughout the year have the necessary cover to ensure the essential needs of the livestock are met.

On the basis of the information submitted, it is accepted that it is necessary for an additional agricultural worker's dwelling at the site.

It also needs to be established that there is any other existing dwelling on the unit, or other existing accommodation in the area which is suitable and available for occupation by the workers concerned. All of the existing buildings at the site are fully in use as part of the working farm and no properties are available within half a mile of the enterprise. The applicant's case is considered reasonable and it is accepted that there are no dwellings available sufficiently close to the site to fulfil the identified functional need.

PPS7 states that the unit and the agricultural activity concerned should have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so. It is clear from the information provided that the unit and agricultural activity have been established for at least 3 years, are financially sound and appear to have a clear prospect of remaining so.

In conclusion, it is considered that there is an essential need for an additional worker to live within sight and sound of the farm and that there are no existing properties that are suitable or available. On this basis, the proposal complies with Paragraph 80 of the NPPF.

Does the development represent appropriate development within the Green Belt?

The National Planning Policy Framework states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt unless for a number of exceptions. These exceptions include buildings for agriculture or forestry.

However, in an appeal decision relating to a farm manager's dwelling at land adjacent to The Old Hall Farm, Betley (Ref. 19/00491/FUL), the Inspector stated that dwellings for rural workers in agriculture or forestry are primarily intended for residential use and therefore they are not buildings for agriculture or forestry (even though they are intended to support such a use). It was stated that unless a proposed rural worker's dwelling specifically falls within one of the exceptions listed in paragraphs 145 and 146 (paragraphs 149 and 150 in the recently revised NPPF), it would be inappropriate development. In this instance, the proposed development does not comply with any of the exceptions listed and therefore it must be concluded that it is inappropriate development in the Green Belt. Whether very special circumstances exist to outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, will be assessed below.

Would the proposed development have a significant adverse impact on the character and appearance of the area?

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF. Section 10.5

of the SPD states that new development in the rural area should respond to the typical forms of buildings in the village or locality.

The site lies within an Area of Landscape Enhancement. Policy N20 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

Although in a rural location, the proposed dwelling would not be in an isolated position in the landscape and any views of the property from Church Lane would be seen in the context of the existing dwellings on the road frontage. Subject to an appropriate landscaping scheme to help to integrate the development within the surrounding countryside, it is not considered that the siting of the proposed dwelling would have any significant adverse impact on the character and appearance of the area.

The new dwelling would be a traditionally styled, 2-storey, 4-bed dwelling with lounge, kitchen/dining/family room, office and shower/changing room at ground floor level. It would comprise traditional finishes with facing brick, slate roof and stone lintels and cills. A pitched roof double detached garage is also proposed which would be of a fairly typical size and design. The scale and design of the dwelling is considered acceptable and in accordance with Policy CSP1 of the Core Spatial Strategy and with the aims and objectives of the National Planning Policy Framework.

Do the required very special circumstances exist that would outweigh the harm caused by inappropriate development or any other harm?

The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will only exist where other considerations outweigh the substantial weight to be given to Green Belt harm.

The applicant has made a compelling case to demonstrate that there is an essential need for an additional rural worker to live permanently on the site. Having carefully considered the benefits of the proposal and all other considerations, it is considered that they would clearly outweigh the substantial weight given to Green Belt harm. As such, the very special circumstances needed to justify the proposed permanent dwelling in the Green Belt do exist in this case.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N17: Landscape Character – General Consideration
Policy N20: Area of Landscape Enhancement

Other Material Considerations include:

National Planning Policy

[National Planning Policy Framework \(NPPF\) \(2021\)](#)

[Planning Practice Guidance \(2014\)](#)

Supplementary Planning Documents/Guidance

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

Relevant Planning History

None relevant – the site is located on an established agricultural enterprise.

Views of Consultees

The **Highway Authority** has no objections subject to a condition requiring the provision and retention of the access, parking and turning areas.

The **Landscape Development Section** has no objections subject to a condition requiring submission of a landscaping scheme to include native hedge and tree planting as proposed.

The **Environmental Health Division** has no objections.

Betley, Balterley & Wrinehill Parish Council has no objection to the application as there is a clearly demonstrated agricultural need for the dwelling. Conditions are recommended restricting occupancy to a person engaged (or last employed) full-time in agriculture and preventing the property being sold off from the holding.

Representations

Four letters of **support** have been received, three from contacts who have worked for or advised the applicant from a business/farming perspective and one from a neighbour. The representations state that it is essential for the applicant to live on site.

Applicant's/Agent's submission

The application plans are available for inspection via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00499/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

1st September 2021