



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES

TO: WEST CRAVEN COMMITTEE

DATE: 30th March 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO WEST CRAVEN AREA COMMITTEE 30th March 2021

Application Ref: 20/0685/FUL
Proposal: Full: Erection of a three bedroom dwellinghouse for a rural worker
At: Aynhams Hill Farm, Bracewell Lane, Barnoldswick
On behalf of: Mr & Mrs Hanson
Date Registered: 14/10/2020
Expiry Date: 19/12/2021
Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to an existing operation at Aynhams Hill Farm, located directly off the A59 to the north of Bracewell and Barnoldswick.

The proposal is for a detached single storey dwelling with three bedrooms. The proposed dwelling would be located south east of the existing agricultural building and directly adjacent to the container / porta-cabin which provides a site office, alongside the vehicle weighing equipment.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

Having considered the information submitted, the Highway Development Support Section does not have any objections in principle regarding the proposed development at the above location.

Whilst the development site is described as Bracewell Lane, vehicular access is via an existing access from Skipton Road (A59).

In the Highway Development Support Section's opinion the proposed development is in accordance with paragraph 79 a) of the National Planning Policy Framework.

However, the highway authority recommends a suitably worded condition is applied to any planning approval granted whereby the occupation of the approved dwelling is limited to those working solely or mainly for the adjoining hay, straw, sawdust and registered waste removal services.

United Utilities

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;

4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities.

Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Details of both our S106 sewer connections and S104 sewer adoptions processes (including application forms) can be found on our website <http://www.unitedutilities.com/buildersdevelopers.aspx>

Please note we are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for you to discuss with the Lead Local Flood Authority and / or the Environment Agency if the watercourse is classified as main river.

Water supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' property, assets and infrastructure

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities' assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>. You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in

Warrington please ring 0370 751 0101 to book an appointment.

Public Response

The nearest neighbours were notified by letter and a site notice displayed. No responses have been received.

Officer Comments

Policy

National Planning Policy Framework 2018 (The Framework)

Paragraph 79 of the Framework is set out below:

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) 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;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”

Pendle Local Plan Part 1: Core Strategy (LPP1)

ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Policy ENV4 (Promoting Sustainable Travel) states that proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring they are developed in appropriate locations close to existing or proposed services. Consideration should be given to locating new housing, employment and service developments near to each other to give people the opportunity to live and work within a sustainable distance.

Policy LIV1 (Housing Provision and Delivery) states that until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, including those identified in the Strategic Housing Land Availability Assessment (SHLAA) will be supported.

Policy SDP2 (Spatial Development Principles) states that new development should be within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Replacement Pendle Local Plan

Policy 31 (Parking) requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

Principle of the Development

The proposed development is located beyond the settlement boundary, within the open countryside. Paragraph 79 of the Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The application site is located approximately 3km from the nearest bus stop in Gisburn along a national speed limit road without a footpath, or 3km via Bracewell Lane into Barnoldswick, which has no footway for most of its length. The site is not located within or adjacent to any form of settlement and therefore it is an isolated location for the purposes of Paragraph 79 of the Framework and would leave occupants reliant on private motor vehicles to access essential facilities and services.

Section 336 of the Town & Country Planning Act 1990 defines 'agriculture' as including:

- Horticulture, fruit growing, seed growing, dairy farming
- The breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land)
- The use of land as grazing land, meadow land, osier land, market gardens or nursery grounds
- The use of land for woodlands where the use is ancillary to the farming of land for other agricultural purposes

The applicant has set out in detail the workings of their existing operation. Their planning statement confirms that they are a supplier of hay, straw and sawdust. This involves collecting hay & straw on a range of farms out of the area, mainly in east Yorkshire, bringing it to their site for storage, before distributing it to local farms. They state that the business pays the arable farmer (through a contract arrangement) for managing a newly sown grass crop ready for mowing, in addition, the business pays the farmer to undertake the field operations necessary to make the grass into hay and bale it. The baled hay is collected from the field by the business using their own transport and taken back to Aynham's Hill Farm where it is stored undercover until it is sold to livestock farmers. This is a contractual arrangement to purchase hay. It does not have any link to the need for a dwelling on the land.

The applicant has submitted a planning appeal case where an inspector found that the operation was not agricultural but was warehousing and distribution. The view the applicant has is that their operations are ones that involve them in organising the production of the straw and that in their view is different and brings them under the definition of agriculture. We do not agree with that.

The straw produced is produced on 400 ha in East Yorkshire. The applicant is not the farmer there. Whilst it is accepted they may assist in the organisation of that operation that is no different to any other food producer organising the production of produce and bringing it back to a central location to be processed, stored and distributed. The applicants procure the products but do not grow it themselves. They are not agricultural workers in terms of their involvement in that part of the business.

The use of the land at Aynhams Hill Farm is for the storage and distribution of the products and not an agricultural operation. The applicant has a desire to have a dwelling on the site for security reasons and fire prevention, their planning statement details that there have been break-ins at the site in the past and a presence on site would help to secure the business.

Paragraph 79 of the Framework sets out circumstances upon which a dwelling in an isolated location within the countryside would be allowed. The main element involved in the assessment of this is whether or not a functional need can be demonstrated for an agricultural or rural worker to live on site

Functional need

In terms of the agricultural part of the business 70 ewes are kept on site and are lambed. This is clearly an agricultural activity on the 30ha site. On its own however it is substantially below a level that would require a full time agricultural worker to be on site. This in itself would not justify the erection of an isolated new dwelling in the open countryside.

The second limb of this is whether the operations involve the essential need for a rural worker to be on site.

The applicants operate a business that brings in a raw product, dries it over a period of time and then distributes it to clients. Most of the clients are farmers who purchase the straw to feed their livestock. The activities in east Yorkshire do not have any bearing on the need to be accommodated on site. The product travels a significant distance to come to the site and the transporting of that is not a matter that impacts on the need to be on site. The applicant indicates they are involved in this and they are affected by the haulage. However the bringing of products to site is no different to any logistical distribution to any other business and this does not contribute to the need to be on site 24 hours a day. If there are 24 hour deliveries, as with any other business, staff should be employed to be there to take them or if they are not available then the deliveries should be organised to when they are there.

There is no definition of a rural worker in the Framework or nationally that we are aware of. Each case needs to be assessed on its merits. The applicants supply products to local farms. This is predominantly in rural areas. Although the work is that of a warehouse and distribution process it is not unreasonable to conclude that as this work is primarily done to service the farming community that the workers can be considered to be rural.

The issue is therefore whether it is essential for a presence to be on site.

The current operation involved in the distribution of hay & straw is of a moderate scale, with the applicant and three other family members working full time for the business. They are involved in collecting hay & straw from various locations in central and east Yorkshire, up to around 600 acres in total. They also have a small flock of sheep (around 70 in number), which is a small element to the business. There is no existing residential accommodation on the site at present and the applicant has to travel from their home in Barnoldswick to work.

The justification statement submitted with the application sets out the scale of the operation. It states that a dwelling is required on site for security reasons and during the lambing season. The level of stock is substantially below that which could justify needing a full time presence on site. There is no need to be present on site all year round in terms of the amount of stock held and the size of the holding.

The applicant indicates that there is a need to be on site for security reasons. There are electronic systems which could be used for security. Vehicles and machinery could also be stored in secure compounds with security measures put in place to detect thefts. Security is not a justification for having a residential presence on site. This is no different to any other business regardless of its location.

The applicants have indicated that there is a fire risk involved in the drying of the straw. This is a matter that they indicate cannot be controlled by using smoke detectors and sprinklers and

requires someone to be there on site to respond immediately. They have informed us that there was a fire in 2014 that caused considerable damage.

The production of straw is not a 12 month a year process. It involves around three summer months but that is extended due to better growing conditions in summer in the east of the country which can allow 2 crops a year to be produced. There is no full time all year round need for a worker to be on site to deal with fire risk.

The applicant indicates that during the three months that the straw is produced that it requires constant attention. Operators use their sense of smell, touch and sight to assess the condition of the product during this period. It is indicated that the speed of the reaction which can cause a fire can only be assessed by the operator being there to assess the build up as opposed to automated systems.

From the information provided the straw and bales need to be monitored constantly by someone being present on site. That is not being available for emergencies such as lambing and calving but to constantly be there to monitor activities. That requires a trained or experienced member of staff to be there constantly watching the straw. That would require a worker to be on the site during the three month period to monitor activity. As indicated in the information submitted that has to be actively undertaken and electronic detection cannot be undertaken.

There is clearly a short term intense period required in which the drying out process requires a member of staff to be there. That would be carried out by someone being there awake and constantly walking round the building to check the smell and feel of the product. That is also for a short period during the summer months of production.

The requirement in the Framework to justify an isolated worker in the countryside is for a rural worker to be required to be on site permanently and that it is essential for them to be there. There is no requirement for a rural worker to be on site in a house for the detection of potential fire. The monitoring of the straw requires a member of staff to be actively present not there to react to emergencies. Even if there were to be an essential need for a worker to be there overnight that need is only for a limited period during the year.

Design

The proposed building is to be single storey in height with three bedrooms. Although amended plans have been submitted which show a small reduction in size from the original plans, the living accommodation is particularly large (with a footprint of 177m²), internally it would have particularly high ceilings and it would be possible to sub-divide the building further to create additional accommodation in the roof space. The Council would have no means of controlling this.

The proposed materials include a rendered finish in cream / white to the walls, Marley modern roof tiles and aluminium composite doors & windows in anthracite grey. These materials are not traditional to the surroundings and would be jarring to the rural landscape setting within which it sits.

Residential Amenity

The proposed dwelling would raise no unacceptable residential amenity issues.

Highways

The vehicular access to the site is acceptable for an agricultural worker's dwelling and an adequate level of car parking is proposed, however, the isolated nature of the site would result in

the dwelling being excessively reliant on private motor vehicles to access essential services and facilities contrary to policy ENV4.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed building would represent an isolated dwelling in the Open Countryside, it does not meet any of the exceptions for allowing an agricultural workers dwellings and is contrary to Paragraph 79 of the National Planning Policy Framework. As such permitting it would result in a development which would unacceptably affect the character of the open countryside and would set a precedent for allowing other unjustified and isolated houses to be built in the open countryside.

Application Ref: 20/0685/FUL

Proposal: Full: Erection of a three bedroom dwellinghouse for a rural worker

At: Aynhams Hill Farm, Bracewell Lane, Barnoldswick

On behalf of: Mr & Mrs Hanson

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 22nd March 2021