

EXE VALLEY  
(Upton Pyne)

07/1227/OUT

Target Date: 21.06.2007

Applicant: TM Leach  
Location: Hurdles Farm, Upton Pyne  
Proposal: Erection of agricultural dwelling

## **CONSULTATIONS**

### County Highway Authority

"This is an isolated site remote from adequate services, employment, education, public transport, etc., and would therefore increase the need to travel by private vehicles. In addition, the site is located on a narrow road that is unsuitable for extra traffic.

In the event that agricultural support is substantiated for this proposal the highway objection would be withdrawn."

### Environmental Health

Recommends that a desk top study is undertaken to ensure that the ground is not contaminated. In addition the applicants should be aware that the Radon Map indicates 3-5% of properties in the area are affected by levels of Radon above the action limit 200Bqls/m3

### Devon County Archaeology

The proposed site is in an area of archaeological potential with numerous prehistoric burial mounds ('barrows'), ring ditch and scatters. Ground works for the agricultural dwelling may therefore impact on surviving archaeological features connected with prehistoric activity.

Therefore in accordance with PPG16 a condition safeguarding archaeology should be imposed on any grant of permission

## **TOWN/PARISH COUNCIL**

No objections

### **WARD MEMBER(S)**

No comments received

## **REPRESENTATIONS**

None received

## **RELEVANT PLANNING HISTORY**

| <b>App.No:</b> | <b>Proposal</b>   | <b>Decision</b> | <b>Date</b> |
|----------------|---|-----------------|-------------|
| 07/1387/AGR    | Extension of existing livestock building for agricultural storage | Refused         | 13.07.2007  |
| 06/2614/OUT    | Agricultural dwelling   | Withdrawn       | 24.04.2007  |
| 03/P2493       | Livestock building  | Approved        | 23.12.2003  |

## **PLANNING POLICIES**

### Government Guidance

PPS 7 - Sustainable Development in Rural Areas

### Devon Structure Plan 2001-2016

Policy TR2 - Co-ordinating Land Use/Travel Planning  
Policy TR5 - Hierarchy of Modes

### East Devon Local Plan (1995-2011)

Policy S4 - Countryside protection  
Policy D1 - Design and Local Distinctiveness  
Policy H8 - Dwellings for Persons Employed in Agriculture or Forestry

## **SITE LOCATION AND DESCRIPTION**

“Little Hurdles Farm” consists of 16 acres (6.5 ha.) of grassland situated about ½ mile from Upton Pyne, to the northwest of Pye Corner. The land is used as a poultry unit and for the rearing of geese. There is access to the site from a field gate adjacent to the highway that runs adjacent to the southern boundary of the site.

## **PROPOSED DEVELOPMENT**

The application is made in outline (with matters including Scale, Appearance and Landscaping reserved) and is for a permanent agricultural workers dwelling. Plans showing the proposed access and the position of the dwelling on the site have been submitted for consideration. These are not marked as indicative and as such can be given significant weight. According to them, the house would be sited about 120m north of the access.

The farm enterprise comprises the intensive rearing on both a free range and barn fed system of pullets and broilers together with the rearing of geese (mainly for the Christmas Market). The total output from the farm comprises 184,000 head of poultry on an annual basis which are housed in 10 Brood Arcs, 9 Free range arcs and 3 additional arcs and, split across the host farm and neighbouring farm, three general purpose rearing barns.

## **CONSIDERATIONS AND ASSESSMENT**

This application represents a resubmission of a previously proposed scheme 2006 which sought an agricultural workers dwelling but in an alternative location. As previously noted the main issue

is whether the agricultural arguments in support of the proposed dwelling are sufficient in this instance to justify an exception to planning policies aimed at securing the strict control over non-essential residential development in the countryside.

Paragraph 3 of Annex A of PPS7 states: “New permanent agricultural 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...(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) ..functional need could not be fulfilled [in other ways]...and (v) other planning requirements... are satisfied”.

Following the previous application, Members sought a second agricultural appraisal to further assess whether the functional and financial test outlined above have been met. In conjunction with the independent appraisal undertaken at the request of the Council the points are addressed below.

#### (i) Functional Need

PPS7 is permissive of permanent dwellings to support existing agricultural activities on well established agricultural units when amongst other criteria the “functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the worker concerned”.

In this regard, therefore, it follows that this application should demonstrate that:

1. there is a functional need to live on the land; and
2. that any functional need could not be met by other available dwellings.

According to the information submitted with the application, Mr Leach has been farming this land successfully for the last 10 years; moreover, he currently lives in rented accommodation about 2 miles from the site (he left the family home in 1999). The previous application raised concerns that if the business had been successfully managed over the last 8 years without the need for a permanent on site worker then this undermines the apparent need that is now claimed. Following a further agricultural appraisal, it has been established that during this 8 year period, the business has grown significantly and continues to grow. With the independent report obtained by the Council, it is noted that based on standard-man-day (smd) calculations, there is a calculated need for 1.8 full time workers for the enterprise. Further the assessment recognises that the poultry enterprises that takes place involves the rearing of young birds and has a clear requirement for ready availability of qualified attention at all times and it is the day to day management of these birds which comprises the bulk of the workload. Although Mr Leach is the sole worker on the farm and therefore the determination of an average of 1.8 (smd) appears high, this merely reinforces previous claims that the applicant works long hours on the enterprise.

Further the Acorous Report submitted by the applicant and agreed by the Council's own agricultural appraisal recognises that literature such as DEFRA's Code of Good Agricultural Practice advises that standards of good animal husbandry are required. This points to a need to ensure good standards of welfare and supports an assessment of essential need for the year round close supervision of the number of birds on this holding.

#### (iii) Financial Test

In accordance with PPS 7 for an agricultural holding to meet the financial tests, it needs to have been established for at least 3 years and profitable for at least one of them The applicant's agents' previously submitted accounts and a further summary has again been submitted. These

show that the poultry enterprise is a viable concern and according to the appraisal that has been undertaken, sufficiently demonstrate that the business is both currently viable with little doubt that this will remain the case. With such an endorsement it is clear that the financial test is met in this case.

It was previously demonstrated that property within the vicinity of the site were selling for in excess of £200,000. where a mortgage and or deposit was beyond the reach of an agricultural worker even although the business was profitable. While no figures have been prepared which establish the cost of new build, it is considered that in the current financial climate, such a scenario, for a three bedroom property is unlikely to have changed. To ensure that the dwelling constructed on the holding is appropriate for the scale of the enterprise, it is considered reasonable to remove permitted development rights from the resulting building. To impose such a condition on the outline permission in is accordance with the Circular 11/95 and will ensure that the property even once built remains controlled by the Local Planning Authority such that its size can be retained commensurate for the site.

### Other Planning Requirements

The proposed siting was also a cause for concern with the previous application. This resulted from the degree of prominence which the proposed dwelling would experience. The current application proposes an alternative siting, where, while still accessible from the track, the dwelling would be located further from the road and be partially screened by existing hedges. In this instance and as the functional and financial tests have been met, no objections are now raised.

Further issues that have been raised concern the highway access to the site, together with the access roads. These have been considered by the Local Highway Authority and are considered to fall below the standards normally sought. However, as the application is considered to have genuine agricultural need, it is considered unreasonable to refuse the permission solely on the basis on highway deficiencies. No objections are therefore raised on this issue.

Open Space is an important aspect within the adopted Local Plan and is set out as a requirement under Policy RE3 . This requires that for all new development of 1 unit of accommodation or more financial contributions are sought in respect of off site public open space provision. While management of this be achieved through a section 106 agreement or Unilateral Undertaking neither has been submitted with the application. If Members resolve to grant permission there would be a need to secure a contribution from the developers towards the provision of off-site open space facilities.

### **CONCLUSIONS**

The applicants state that permission should be forthcoming because the criteria of PPS7 are satisfied. Having considered the resubmitted application and had undertaken a further independent agricultural appraisal, it is considered that this is a reasonable and justified. The criteria set down within PPS7 are considered to have been met and together with no other over-riding reasons which counter the application, it is considered to accord with policy.

### **RECOMMENDATION**

APPROVE subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

- public open space contribution

and the following planning conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason – To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. Approval of the details of the Scale, Appearance and Landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline with one or more matters reserved.)
3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.  
(Reason - The dwelling is justified only by agricultural need and should remain available for this purpose.)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within Schedule 2 Part 1 Classes A, B, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of the landscape management scheme]  
(Reason - The size of the dwelling must be carefully controlled as it represents a dwelling for an agricultural worker where that dwelling must be commensurate with the scale of the holding. And remain available for the function of the worker).
5. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.  
(Reason - To ensure that the an appropriate record is made of archaeological evidence that may be affected by the development.)

#### Reasons for approval

1. The proposal complies with the East Devon Local Plan, Revised Deposit, September 2003, policies D1 and H8.
2. The property is only justified by the agricultural need found on the holding.

#### Approved plans

Site location Plan

#### List of Background Papers

Application file, consultations and policy documents referred to in the report.