

COLY VALLEY  
(Offwell)

09/0386/OUT

Target Date: (20/04/09)

Applicant:

Mrs S Budden

Location:

Northcombe Farm, Offwell

Proposal:

Agricultural workers dwelling

### **CONSULTATIONS**

#### County Highway Authority

This application requires standing advice.

### **TOWN/PARISH COUNCIL**

The Parish Council fully supports this outline application. However, the Council feels there must be an agricultural tie on the land for anything which goes on there not just the current poultry farm.

### **WARD MEMBER**

Cllr G Godbeer recommends the application for approval.

Following initial review of the above application, I support the application. I agree with the report of the Agricultural Advisor, and on welfare grounds, the accommodation should be close to the livestock unit.

In the event my recommendation and that of the planning officer differs, I wish the application be referred to the Development Control Committee.

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

### **REPRESENTATIONS**

2 letters of support have been submitted with the following comments:

- It is crucial that the owners are on site to supervise the welfare and safety of the livestock. If an emergency arises, they need to be able to deal with it immediately, something that could not happen living off-site.
- We do not have the required knowledge or skills to deal with emergency.
- Traffic would not be increased by the applicants living on site and would be lessened by them not having to attend the site in the morning and leaving again at the close of business or attending an emergency.
- If the applicants are absent, we are completely in isolation.
- It is highly desirable to allow the applicant to build another dwelling so that we can become a micro community and we would be able to mount a neighbourhood watch type scheme.
- The proposed building works would not interfere with our view and enjoyment of the surrounding countryside.
- There is not a problem with noise.
- This is a farming community and there has always been farming on the site and should continue with proper accommodation for the farm owners.

- The response time for emergencies makes all the difference to succeeding or failing in the business.
- The applicants have worked very hard in turning the business around and need to be living on site to proceed in the future of the farming way of life.

## **RELEVANT PLANNING HISTORY**

<b>App.No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
06/2074	Temporary agricultural worker's dwelling	Refused - subsequent appeal dismissed	02.05.08

## **PLANNING POLICIES**

### Devon Country Structure Plan (2001-2016)

ST5 (Development Priority 2001-2016)  
 CO3 (Areas of Outstanding Natural Beauty)  
 CO6 (Quality of New Development)

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

S5 (Countryside Protection)  
 EN1 (Development in AONBs)  
 H8 (Dwellings for persons employed in Agricultural or Forestry)

PPS1 - Delivering Sustainable Development  
 PPS7 - Sustainable Development in Rural Areas

## **SITE LOCATION AND DESCRIPTION**

Northcombe Farm is located approximately 4km directly south east of Honiton, approximately 1km east of Offwell village and 2km west of Wilmington in the East Devon Area of Outstanding Natural Beauty. The site is on a plateau gently sloping south east towards the tributary of the Axe Valley.

The property extends for approximately 4ha and is an established broiler breeder unit. The farm specialises in producing fertile eggs which are sold under contract to a hatchery, where the eggs are incubated and hatched. Young chicks are then delivered to specialist rearing units where they are reared through to killing weights. The buildings on site comprise two large timber poultry sheds, a smaller poultry house, an egg room and toilet block and a stable block and workshop. The applicants are currently living on site in mobile home accommodation.

## **PLANNING BACKGROUND**

The farm has been operating as a broiler breeder unit since its establishment in the early 1970s. For the majority of its operating life the farm has been owned/managed by an on-site farm manager who has lived in the adjacent farmhouse. However, in 2005 the farm was sold, with the previous owners retaining the farmhouse.

In July 2006, the applicant submitted a planning application for a temporary worker's dwelling which was refused by the Development Control Committee at their meeting on 16 January 2007. The application was refused primarily because the Council was not satisfied by the evidence submitted that the functional needs of the existing poultry broiler breeder enterprise could not be satisfied by an existing dwelling in the area suitable for occupation by the applicant. There were also highway and sustainability reasons for refusal. The subsequent appeal was dismissed on 2 May 2008 (copy of Inspector's letter attached) which raised the following main issues:

1. There is clear evidence of a firm intention and ability to develop the enterprise and clear evidence that the enterprise has been planned on a sound financial basis.
2. There is a functional need for workers to be readily available at most times, in case of emergencies, which would require living relatively close to the appeal site.
3. However, the Inspector concluded that there was not a compelling case for living on site and that there was no suitable and available accommodation within a relatively short drive time from the site which included nearby villages and Honiton itself. The conclusion was therefore that there is no functional need for the applicant to live on the site.
4. The proposal would not damage the character and appearance of the surrounding Area of Outstanding Natural Beauty.
5. The proposed development would not be detrimental to the safe and satisfactory operation of the highway network.

### **PROPOSED DEVELOPMENT**

Outline planning permission with all matters reserved has now been submitted to erect a single storey dwelling on the site with a ridge height of not more than 6m. The applicant has confirmed that the floor area would not exceed 160 sq mts and would also provide for a rest room and shower facilities for staff and visitors. The application is accompanied by a location plan showing an indicative position of the proposed dwelling (see attached plan).

### **CONSIDERATIONS AND ASSESSMENT**

The applicants are now applying for a permanent dwelling on the site as they have run the business for more than 3 years and indicate that they have shown a profit in each year of operation. The previous issues relating to visual impact on the AONB and highway matters have previously been addressed by the Inspector and it is considered that a permanent dwelling raises no further concerns in relation to these particular issues.

The Inspector's decision is only a year old and therefore considerable weight must be attached to these considerations. The main issue is whether circumstances have materially altered in the intervening period to come to a different conclusion from the Inspector. Members should be aware that the applicants consider that the appeal decision was flawed and point to some recent decisions of similar applications that have been permitted. The Council's Agricultural Consultant has been requested to comment on the current application (copy of report attached) and concludes that Honiton is too far away and therefore supports the application.

There is therefore a disagreement between the Inspector and the Council's Agricultural Consultant over whether the applicants need to live on site or whether this need could be met by a dwelling in the area, including Honiton. The applicant has also been requested to provide a summary of the differences between circumstances surrounding the previous appeal and the current application and this is attached and annotated as Appendix 1.

The current application is accompanied by a Consultant's report appraising the need for a permanent dwelling on site. The following is a brief summary of the main arguments for the need to live on site rather than in the local area:-

1. The unit only has one flock of birds per year and therefore the whole income is reliant on this one flock. Management and bio security is therefore particularly important.
2. Higher levels of stockmanship are required for one flock over a period of 9 months.
3. There are not many breeding units in the south west and the loss of a flock therefore has serious implications.
4. To maximise production, the birds must be kept in highly controlled conditions:
  - a) Temperature - ventilation and fans - alarm sounds when the temperature varies outside 10<sup>o</sup> C - 29<sup>o</sup> C and a quick response is needed to prevent problems. The fans are a mix of automatic and manual and heat stress could lead to a reduction in fertility.
  - b) Feed needs to be carefully controlled as bird weight affects fertility levels. Male birds are generally weighed manually and females are weighed automatically.

- c) Lighting - this is done on automatic lights and the applicant is not aware of any alarm system known. Failing lights either on or off has a substantial effect on the flock.
  - d) Water - this is controlled by a timer pump and failures have serious implications for welfare/egg production.
5. Automated systems are not all alarmed, e.g. feed, water, lighting, panic. There is an audible response from the birds if something is wrong, which can only be picked up with someone on site. Automated systems still require the sheds to be checked frequently.
  6. Some of the problems do not have serious implications for bird welfare, but do affect productivity.
  7. Smothering - this can be caused by noise and can only be identified by being on site.
  8. Luck has avoided any major emergencies.
  9. Since living on site, the applicants have been in a position where they can provide far higher levels of management and are able to identify and deal with any minor problems before they become emergencies. As a consequence, the unit's production rates have risen considerably and they have won several awards for flock performance.
  10. On this farm, the power supply and the temperature of the sheds is alarmed. The 20 minutes to respond is not the period it takes to reach the site but rather is the period in which the problem must be fixed. This time period includes getting up, driving to the site, going through a strict bio security routine, identifying the problem, fixing it and ensuring that the system has returned to normal. Realistically, the stockman needs to get into the shed within 5 minutes and this makes Honiton too far away.

At the appeal, the appellant was given the opportunity and provided a full statement of case in the form of an extensive farm enterprise statement. Furthermore, the appeal was held as an Informal Hearing which allowed the applicant and the solicitor to put their case. It is acknowledged that the Inspector put significant reliance on alarm systems which are only part of the solution, but nevertheless the issues considered by the Inspector are not significantly different to the current situation, sufficient to set aside the considerations of the Inspector. It is recognised that the unit is successful and is well run but, nevertheless the functional requirement relates to need and it does not appear that the further information is sufficient to justify an approval on agricultural grounds.

## **CONCLUSION**

Due to the recent Inspector's decision letter, the issue with the current application relates primarily to whether there is now sufficient evidence to support the need for a dwelling to be located on the site rather than in the area. It is recognised that it is desirable for the applicants to reside on site; however, it has not been demonstrated that circumstances have materially altered since the previous decision to now warrant an approval.

## **RECOMMENDATION**

**REFUSE** for the following reason:

1. The Local Planning Authority is not satisfied by the evidence submitted that the functional needs of the existing broiler breeder unit cannot be satisfied by an existing dwelling in the area suitable for occupation by the applicant. The proposed dwelling would therefore be contrary to Policies H8 (Dwellings for persons employed in Agricultural or Forestry) and S5 (Countryside Protection) of the adopted East Devon Local Plan 1995-2011, Policy ST5 (Development Priority 2001-2016) of the Devon Structure Plan 2001-2016 and advice contained in PPS7 - Sustainable Development in Rural Areas.

## **Further Recommendation**

That the Head of Legal, Licensing and Democratic Services be authorised to instigate such legal action as is considered necessary to secure the removal from the site of the mobile home.  
Compliance period - 3 months.

## List of Background Papers

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