

APPLICATION: MA/12/1469 Date: 8 August 2012 Received: 30 July 2013

APPLICANT: Mr & Mrs Nigel Greengrow

LOCATION: NEWSTEAD FARM, COUCHMAN GREEN LANE, STAPLEHURST,
TONBRIDGE, KENT, TN12 0RT

PARISH: Staplehurst

PROPOSAL: Temporary change of use of land for the stationing of a temporary dwelling (mobile) for farm owner/manager and permanent use of existing agricultural building for the accommodation of livestock as shown drawing nos. S071.2A, S071.2B, and S071.2C received on 9th August 2012, and A3 site location plan and A3 block plan received on 30th July 2013.

AGENDA DATE: 6th February 2014

CASE OFFICER: Richard Timms

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by Staplehurst Parish Council and they have requested the application be reported to Planning Committee.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV28, H35
- Government Policy: NPPF 2012 and Technical Guide

2. HISTORY

MA/00/1856 An application for the prior approval of the local planning authority for the erection of a steel framed agricultural building for storage of hay and straw - APPROVED

MA/00/1355 An application for prior approval of the local planning authority for the erection of a steel framed agricultural building for storage of hay and straw – REFUSED

MA/98/1823 Conversion and change of use of three existing barns and outbuildings to provide 3 no. detached dwellings with garages – APPROVED WITH CONDITIONS

3. CONSULTATIONS

- 3.1 **Staplehurst Parish Council:** Recommend refusal and request the application be reported to Planning Committee for the following reasons: lack of business plan, siting is close to residents; concern over use of access. No objections to livestock use.
- 3.2 **Rural Planning Ltd:** Advises that the enterprise is capable of providing full-time employment for at least one farm worker and that they will be required to live on site for the proper functioning of the farm.
- 3.3 **Environment Agency:** No objections.
- 3.4 **KCC Ecology:** No objections.
- 3.5 **MBC Conservation Officer:** No objections in terms of setting of listed buildings.
- 3.6 **MBC Environmental Health:** No objections subject to specific foul drainage details and animal waste storage.

4. REPRESENTATIONS

- 4.1 Local Residents: Seven representations received raising the following (summarised) points:
- Assumptions on agricultural enterprise are unrealistic.
 - No need to live on site.
 - Access road is now used by residential properties and is not suitable for farm traffic.
 - Water pressure will be decreased.
 - Siting is in direct line of sight of houses.
 - Waste water into ditches may cause harm to health.
 - Mobile home would be harmful to the area.
 - Within 220m of the River Beult SSSI.
 - Noise.
 - Flood risk.

5. CONSIDERATIONS

5.1 Introduction

- 5.1.1 This is an application for a temporary change of use of land for the stationing of a mobile home for a farm owner/manager and permanent use of existing agricultural building for the accommodation of livestock at Newstead Farm, Couchman Green Lane, Staplehurst.

5.2 Site Description

- 5.2.1 The application relates to an existing small farm of some 13 ha located to the east of Couchman Green Lane just to the northeast of Staplehurst village. It is accessed via a private single lane road off the lane that serves five houses and the farm, and is owned by the applicant. The farm is at the end of the road where there is a farm track leading to a main general purpose building with a yard in front and beyond. The farm's land extends to the northeast, east and south. The majority of the farm is down to grass with sheep, apart from some 1.2 ha of dessert apple orchards, planted over the last 4 or 5 years; 0.4 ha is also allocated for market garden cropping (vegetables); and a further 0.4 ha for some 250-300 free range hens. There is also some 16 ha of off lying grassland.
- 5.2.2 The site is within the countryside for planning purposes but the land has no special designation. The River Beult SSSI runs along the east edge of the applicant's farmland and there is a Grade II listed building 'Old Newstead' around 100m to the north. The site falls within Flood Zone 2 according to the Environment Agency's maps but Zone 3 is immediately to the north and northwest.

5.3 Proposal

- 5.3.1 Permission is sought for a mobile home at the farm to provide temporary accommodation for the farm owner/manager with his family to live on site. The mobile home would be sited around 15m northeast of the general purpose building on part of a grassed field. The mobile would be a 'park home' style and illustrations have been provided which show it measuring 8.3m x 15.8m, with a maximum height of 3.6m. It is a moveable structure brought to site on a lorry and has no foundations.
- 5.3.2 The applicant intends to develop the farm including establishing a cattle enterprise based on rearing up to 60 cattle a year, bought in as young dairy-bred calves, and finished at 18 to 24 months old, sold mainly via local markets but including some sales (after arranging slaughtering and butchering elsewhere) direct to consumers. A small existing sheep flock would be

maintained, at about 13 ewes, with the aim of selling most of the lambs direct. There is also a flock of 250 free range hens and a 'market garden' where vegetables are grown and sold direct to consumers. Farm and business plans (confidential) have been submitted with the application.

- 5.3.3 It is proposed to use the existing storage building for accommodating livestock. This requires planning permission because the building was originally allowed under permitted development rights for farms. Under such rights, livestock use is precluded without the benefit of further permission, which is now being sought.

5.4 Principle of Development

- 5.4.1 Saved policy H35 of the Local Plan can allow for temporary accommodation for agricultural workers in the countryside provided:

- It is essential for the efficient development and running of the enterprise.
- The need is for a full time worker.
- There is clear evidence that the enterprise has been planned on a sound financial basis and there is a firm intention and ability to develop.
- No other accommodation is available locally to meet the need (including converting a building).
- The temporary accommodation is grouped with existing buildings.

It then recommends restriction to a 3 year permission, restricting occupation to agricultural workers, and restoration of the site.

- 5.4.2 The NPPF at paragraph 55, as an exception, can allow a residential use in the countryside where it relates to the essential need for a rural worker to live permanently at or near their place of work. As such, the principle of a mobile home for an agricultural worker is acceptable.
- 5.4.3 Specific consideration needs to be given to the policy H35 criteria, visual impact, flood risk, residential amenity (including from the livestock use), highway safety, and ecology. These issues are considered under policy ENV28 of the Local Plan and the NPPF.

5.5 Need for Accommodation

- 5.5.1 The applicant proposes to establish a cattle enterprise with an existing sheep and free-range hen flocks maintained. Advice from Rural Planning Ltd states:
- 5.5.2 *"Overall I consider the proposed enterprise mix to be capable of providing full-time employment for at least one responsible farm worker, and that on balance*

that person will essentially require to live on site for the proper functioning of the proposed enterprises, for the various reasons (particularly in respect of animal husbandry) set out in the applicants' Statement (para 5.3).

- 5.5.3 *It appears that there is no other suitable and available accommodation, close enough to the premises, given that the relation (niece) that lives nearby, in separately owned accommodation, has no connection with the farm enterprise.*
- 5.5.4 *I also consider the revised/additional submissions indicate that the proposed business has been planned on a sufficiently sound basis to support an agricultural case for on-site residence, under the (still useful) guidelines of the former Annex A to PPS7; whilst I have some doubts (including in relation to building capacity) that the cattle enterprise would necessarily achieve quite the scale, and the level of returns, that are predicted, overall if the main elements of the business plan are followed, there should still be a reasonably good prospect of the farm business achieving at least enough net income for a farm worker's livelihood."*
- 5.5.5 The purpose of policy H35 is to allow an enterprise to demonstrate that it is viable and therefore that there is an essential need for permanent accommodation. Based on the above expert advice, it is considered that there is an essential need for on-site presence and that this would be for a full-time worker. The business plan is sufficiently sound and whilst the applicant's niece lives adjacent to the site, this accommodation is separately owned and so there is no suitable accommodation available. On this basis I consider the proposals comply with policy H35.

5.6 Visual Impact

- 5.6.1 The mobile home would be grouped near to the existing yards and buildings. This is a suitable location and would minimise intrusion into the countryside. The Conservation Officer has raised no objections in terms of the setting of the Grade II listed 'Old Newstead'.

5.7 Flood Risk

- 5.7.1 The mobile home was originally proposed on land further north identified as Zone 3, to which the Environment Agency objected. It was then moved onto land confirmed to be Zone 2 by the Environment Agency and they have removed their objection.
- 5.7.2 The NPPF requires a sequential approach to steer development to areas with the lowest probability of flooding. In this case, there is a higher area of land further south in Zone 1, however, this is in the middle of a field and I do not consider

this would be an appropriate location in practical terms or visual impact terms as it would extend into the countryside and require a long access track. It is then advised that an 'exception test' should be applied where it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; and a flood risk assessment (FRA) must demonstrate that the development will be safe without increasing flood risk elsewhere, and where possible reducing risk overall.

5.7.3 I consider there are sustainability benefits to the community from the proposal in terms of it supporting agriculture and thus contributing to the local rural economy as recognised at paragraph 28 of the NPPF. A basic flood risk assessment (FRA) has been submitted in discussion with the Environment Agency which outlines that the accommodation is raised above the ground level and so at a lower risk from flooding, and considers the potential water run-off would be minimal due to the limited size. The Environment Agency has been consulted on the FRA and has raised no objections in terms of safety or increased flood risk. On this basis, I do not consider there are grounds to object. I consider that conditions should be attached to provide details of measures to tether the mobile home to avoid displacement in the event of flooding, and a flood management and evacuation plan.

5.7.4 I have also re-consulted the Environment Agency in light of recent flood events in the Borough and they have advised that their position has not changed on this site and they raise no objections. The applicant and agent have verbally confirmed that the site did not flood in the recent events and was not cut off.

5.8 Residential Amenity

5.8.1 The use of the existing building for livestock has the potential to affect living conditions for nearby properties from noise and smells. The nearest houses are just over 75m away and at this distance I do not consider such matters would result in unacceptable living conditions. The Environmental Health Manager has not raised any objections but advises there is the potential for the accumulation of both solid and liquid waste material from livestock to cause a nuisance and therefore the arrangements for the minimisation of waste material on the site must be provided. This can be dealt with by way of condition to ensure the minimal impact.

5.8.2 I do not consider there would be any significant noise and disturbance issues arising from farm vehicles using the access past houses, which can occur at present. Nor would there be any issues from the use of the mobile home, or any impacts on privacy or outlook due to the distance from houses.

5.9 Highways

5.9.1 Local residents have raised the issue of safety on the private access road due to potential conflict between farm vehicles and children playing. This road is a single track lane with two passing places, is straight for the majority of its length and does not have any tight corners. As such, vehicles can pass and visibility is generally good. The access is owned by the applicant and is already used by farm traffic to serve the holding. I do not consider the future farm plans or any grant of planning permission would result in any significant increase and on this basis, I do not consider there are grounds to object in terms of highway safety.

5.10 Ecology

5.10.1 A great crested newt (GCN) scoping report has been provided on the recommendation of KCC Ecology. This has assessed the quality of the terrestrial habitat on site and the suitability of water bodies within 250m to support breeding populations of GCN. It advises the site offers low potential for GCN in terms of terrestrial habitat and there would be no harm caused to GCN. KCC have raised no objections to the findings.

5.11 Other Matters

5.11.1 Issues raised by local residents not addressed above relate to water pressure and potential pollution from waste water into ditches. Any impacts upon water pressure are not a material consideration and in any case the farm is already in existence. It is proposed to use a package treatment plant for foul drainage which is widely accepted form of disposal. Any discharge to watercourses is controlled by the Environment Agency and requires a formal consent to discharge from them, which would ensure no adverse health impacts.

6. CONCLUSION

6.1 There is considered to be sufficient agricultural justification for the proposed mobile home and it would not result in any unacceptable harmful impacts. The Environment Agency is raising no objections to the mobile home in terms of flood risk. The use of the building for livestock is not considered to be unduly harmful to local amenity. For these reasons I recommend permission subject to the following conditions.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336 (1) of the Town and Country Planning Act 1990) or in forestry, or a widow or widower of such a person, and to any resident dependants;

Reason: The site is in an area where new residential development is not normally permitted unless essentially required for the proper functioning of the enterprise concerned.

3. The mobile home hereby permitted shall be removed and the land upon which it is sited restored to its former condition on or before 3 years from the date of this permission;

Reason: To enable the Local Planning Authority to review the special circumstances under which this permission is granted.

4. The development shall not commence until details of measures to tether down the mobile home, and a flood management and evacuation plan have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of flood risk reduction and safety.

5. No development shall commence until details of where and how manure is to be stored and/or disposed of shall be submitted to and approved by the local planning authority. Once the use commences, this shall be carried out in accordance with the approved details.

Reason: In the interest of local amenity.

6. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. S071.2A, S071.2B, and S071.2C received on 9th August 2012, and A3 site location plan and A3 block plan received on 30th July 2013.

Reason: For the purposes of clarity and in the interests of protecting the character and appearance of the countryside.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.