



Committee and Date
Central Planning Committee

11th February 2010

Item/Paper

5

Public

Development Management Report

Application Number: 09/02683/OUT

Parish: Alberbury With Cardeston

Grid Ref: 338456 - 312793

Proposal: Outline application for the erection of an agricultural workers dwelling to include access

Site Address: Land Adj Rowton Poultry Farm Rowton Shrewsbury Shropshire

Applicant: Rowton Growers Ltd

Case Officer: Ms Lynn Parker **email:** planningdmc@shropshire.gov.uk

1.0 THE PROPOSAL

- 1.1 This application is an outline application for the erection of an agricultural worker's dwelling to include access. All other matters are reserved. An Outline Application Statement and an Assessment of the Agricultural Need for a Farmworkers Dwelling have been submitted as part of this application
- 1.2 The site area amounts to 0.1 hectares with a drive of 25 metres indicated from the access track to Rowton Poultry Farm. It is intended that this positioning will aid the monitoring of the entrance to the unit as well as serving the functional need for a qualified poultry manager to be on site both during and outside normal working hours. Indicative information shows the footprint of the dwelling to be approximately 90 m² for a 3 bedroom, eco friendly house and a parking/turning area for 2 cars.
- 1.3 This application is a resubmission of application ref: 09/0175/O refused under delegated powers. Additional information has been included as part of the current application within the submitted Assessment document.

2.0 SITE LOCATION/DESCRIPTION

2.1 The proposed site is located to the north of the A458 Shrewsbury to Welshpool road with Rowton Castle 400 metres to the west and Snod Coppice in which the poultry units are sited directly to the north.

2.2 It is proposed to site the dwelling adjacent to the boundary with Snod Coppice which is defined by a mature Hawthorne hedge, the woodland being directly behind this hedge to the north. Four poultry units belonging to Rowton Farm are within the centre of Snod Coppice and are not easily visible due to the surrounding woodland. The site itself is currently agricultural land.

2.3 Access to the site extends approximately 240 metres from the A458 up a rough track which serves the poultry farm. The land rises gradually upwards to the site which is clearly visible from the south, east and west. One other dwelling at 'The Dairy' is accessed via the track. This property is over 100 metres south of the site of the proposed dwelling.

3.0 RECOMMENDATIONS

3.1 It is recommended that this application be refused.

4.0 REASON FOR COMMITTEE

4.1 The scheme does not comply with the delegation to officers as set out in Part 8 on the Shropshire Council Constitution as the application has been requested to be referred by the Local Member

5.0 RELEVANT PLANNING HISTORY

5.1 09/0175/O – Outline application for the erection of an agricultural worker's dwelling to include access. Refused 28th May 2009.

5.2 02/1193/F – Erection of 2 no. poultry broiler units, low profile feed bins, gas tanks and ancillary works. Granted 12th February 2003.

5.3 96/0737 – Erection of 2 agricultural buildings for the production of poultry together with low profile feed bins, incinerator, gas tank, underground storage tank and ancillary works. Granted 14th November 1996.

6.0 CONSULTEE RESPONSES

6.1 Reading Agricultural Consultants (RAC) have provided an independent assessment in the form of an updated desktop appraisal of the proposal (RAC provided an appraisal for refused planning ref: 09/0175/O). For full document please see the file, but the document is précised as follows:

The application is assessed against the tests set out in PPS7 Annex A;

- The business has been operated since 2001 and has a good security tenure.

- The business is financially sound and has improved financially despite lack of on-site accommodation.

but,

- The director lives only 1 mile from the site, but has been medically advised to cease night time call outs in an effort to alleviate his condition. The current farm manager lives 20 minutes from the site which is too far to deal effectively with any emergencies out of hours.
- Suitable accommodation to buy or rent is available within a 3 mile radius which is closer than the current farm manager.
- The Council may wish to consider a temporary dwelling on the site for a period of three years until either the applicant is able to drive again, or until the cause of the applicant's condition is determined.
- The siting of the proposed dwelling is appropriate for the farm, but a permanent dwelling is not appropriate under the circumstances.

6.2 Further clarification is provided by RAC in an email dated 28th January 2010 available in full on file but préciséd as follows:

- It is clear that Mr Evans health issues have an impact upon operations at the poultry unit which can only be considered to be of a temporary nature at the present time (i.e. until his driving license is renewed & the causes of the problem established).
- It is felt that the solution to the 24 hour welfare requirements of the birds can be best achieved by allowing a temporary dwelling (e.g. mobile home, log cabin) for a three year period.
- The position can then be reviewed after three years when the medical profession has had a chance to consider Mr Evans condition.
- There is a functional need for a competent farmworker to live in close proximity to the unit, but not necessarily on the site.

7.0 PUBLIC REPRESENTATIONS

7.1 None received

8.0 PLANNING POLICY

8.1 Central Government Guidance:

PPS7 – Sustainable Development In Rural Areas

8.2 West Midlands Regional Spatial Strategy Policies:

PA14 – Economic Development And The Rural Economy

8.3 Local Plan:

GP1 – General Requirements For Development

HS4 – Residential Development In The Rural Area

LNC3 – Development In The Countryside

9.0 THE MAIN PLANNING ISSUES

- Whether there is a functional need for a poultry manager to live on the site.
- Whether the change in circumstances affect this functional need.
- The affect of the proposal on the surrounding countryside

10.0 OFFICER APPRAISAL

10.1 Principle of Development

10.1.1

Whilst it is appreciated that the agent has provided some justification for the erection of an agricultural worker's dwelling on the proposed site within the 'Assessment of the Agricultural Need for a Farmworkers Dwelling' submitted with the application, the proposal does not wholly fulfil the functional test outlined in Annex A of PPS7. An independent consultation provided by Reading Agricultural Consultations concludes that the business at Rowton Farm is well established and financially sound, and has so far functioned without the need for a farm manager to be living on site, but with an emergency facility in close proximity. This indicates that there is not a requirement for an agricultural dwelling specifically on the site to serve Rowton Poultry Farm and that an emergency call out facility can be provided from nearby. There exists other alternative accommodation available in nearby villages. such as Crew Green, Middletown and Halfway House within the prescribed emergency access time. A search of the property website 'rightmove' carried out 27th January 2010 revealed a number of houses for sale (examples are available on file) ranging from a 3 bedroom semi-detached house in Middletown for £109,995 to a 4 bedroom house in the same village for £179,995. Similar, properties for rent vary from a 2 bedroom bungalow near Westbury for £425.00 per month to a 3 bedroom detached house in Stretton Heath for £650.00 per month. The agent has stated that they are not aware of any suitable properties for sale that would be close enough to allow for the response time and rental properties are 6 month short hold tenancies which are not suitable family accommodation.

10.1.2

New information provided as part of the 'Assessment of the Agricultural Need for a Farmworkers Dwelling' refers to 24 hour care at the poultry farm being formerly provided by Mr Evans who has now been advised by a doctor to reduce his workload. Paragraph 1 of Annex A to PPS7 states that an application should be determined on *'the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.'* Mr Evans also runs a livestock farm on which he works full time, and manages a small hotel complex which demonstrates that there are alternative work loads that could be reduced to alleviate his condition. It is therefore not considered that this situation results in a greater need for an agricultural worker's dwelling to be constructed at the site.

10.1.3

The frequency of emergency call outs has been confirmed by the agent as sporadic, anything from 3 times a day to twice a week which in most cases require a 3 minute response time. Whilst RAC consider that a response time to

emergency call outs of 10 – 15 minutes would be desirable for animal welfare, they report that Moy Park (the company who purchase the reared broilers) prefer a responsible worker to be within 5 – 10 minutes of the broiler housing, but that this is not company policy. However, included within Appendix 1 of the submitted Assessment document is a copy of a letter from Moy Park which states that codes of practice stipulate that should any mechanical failure arise on site, a 20 minute response time is made. Nevertheless, suitable accommodation both for sale and to rent is available nearby within the access time of 10 – 15 minutes prescribed by RAC from which emergency cover could be provided in place of Mr Evans or in which to establish a farm manager closer to the site than at present. Moy Park do not stipulate an on-site dwelling at the farm as a contract requirement. The majority of the tasks at the farm are re-planned, such as the three times daily walk through the poultry buildings to check for dead and ill birds (08.00, 12.00 and 20.00). The remainder of the day time working hours are involved in maintenance and administrative duties. These types of jobs do not necessitate a worker to live on the site.

10.1.4 Both Central and Local policies emphasize the strong presumption against new housing in the countryside outside of settlements unless there is special justification. Central Government Guidance PPS7 specifies this special justification is the essential need for a worker to live permanently at or near their place of work in the countryside. It is considered that it has been established that whilst there is a functional need for a competent farmworker to live in close proximity to the unit in order to respond to emergency call outs, but not for a full-time worker to live on the site. In order to fulfil the emergency requirement there are dwellings readily available for sale and to rent within the emergency response time advised by RAC. Therefore this proposal is considered to be contrary to Central Government Guidance PPS7 and Local Policies GP1, HS4 and LNC3

10.2 **Design, Scale and Character**

10.2.1 As the proposal is outline, no specific design details are provided, but the Design and Access Statement indicates a 3 bedroom house of not in excess of 180 m² with a detached garage. This could be construed as overly large for an agricultural worker's dwelling. The provision of amenity space appears adequate, but the site being on the edge of a field does not necessarily constrain it other than being within the red line indicated.

10.2.2 The position of the proposed agricultural workers dwelling is considered appropriate to the poultry farm and not contrary to Local Policies GP1 and LNC3 in that it's siting in relation to the farm buildings on site is acceptable. However, if considered as an open market dwelling, the proposal would be contrary to policy in that not only is it in open countryside but the site is raised and clearly visible from the south, east and west.

10.3 Impact on Neighbours/Residential amenity.

10.3.1 Apart from the poultry farm itself the closest neighbour is 'The Dairy' 100 metres to the south west. Although this dwelling is at a lower ground level to the proposed site, the distance between them is sufficient not to cause any detrimental impact.

10.3.2 Landscaping is a reserved matter, however, the Outline Application Statement acknowledges the requirement for a landscaping scheme to screen the development.

10.4 Vehicular Access And Parking

10.4.1 The access from the A458 to the site already exists in the form of a largely unsurfaced track. The proposed driveway from the track to the dwelling is indicated on the 1:500 Block Plan, but appears to cut straight across the corner of the existing field, leaving an unaccounted for area in the east of the site which is not within the red line. The access would be better placed and less obtrusive to the existing field if it were to be sited along the hedge line.

11.0 CONCLUSION

11.1 Notwithstanding that the siting of an agricultural worker's dwelling in the position shown on the submitted plans is acceptable in that it is appropriate to the buildings at the poultry unit, it is considered that a functional need for a permanent agricultural worker's dwelling on site to serve Rowton Poultry Farm has not been established. It is considered that as appropriate accommodation both for sale and to rent already exists in the area in which a competent farmworker could be established closer to the site to respond to emergency call outs. In addition, the alternative solution of a temporary dwelling at the site has been rejected by the agent. Therefore this proposal is considered to be contrary to both Central and Local Government Policies

LIST OF BACKGROUND PAPERS:

HUMAN RIGHTS

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact of development upon nationally important features and the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

Environmental Appraisal

Not applicable

Risk Management Appraisal

Not applicable

Community / Consultations Appraisal

Included in report above

Member Champion

Cllr M Taylor-Smith

Local Member

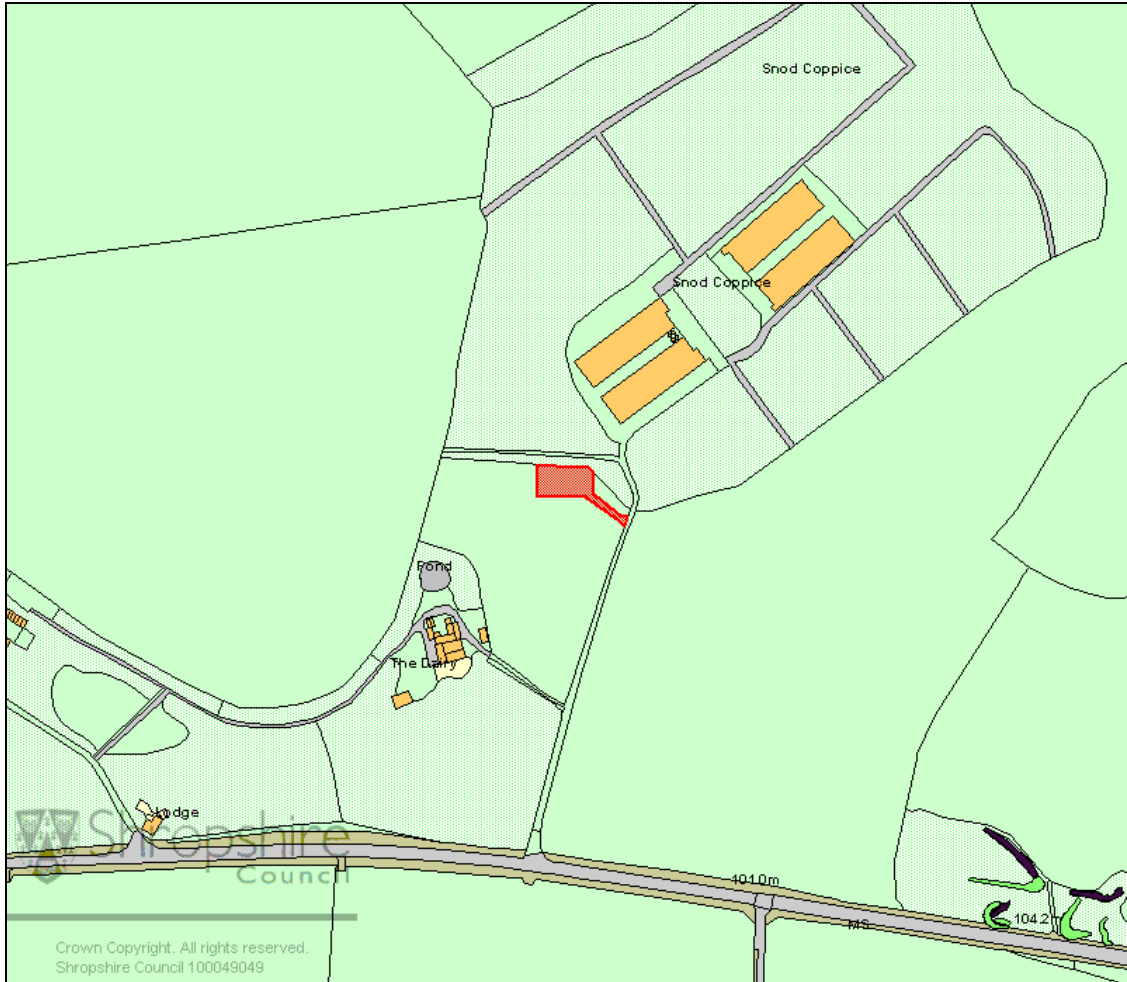
D W L Roberts

Appendices

Not applicable

Reason for Refusal

1. It is considered that there is a functional need for a competent farmworker to live in close proximity to the poultry unit based upon the welfare grounds for bird, however the Local Planning Authority consider that this need could be met by existing suitable accommodation in the area and the personal circumstances of the applicant do not outweigh the general presumption against new residential development in the open countryside. Accordingly, the application is considered contrary to PPS7 and Policy LNC3 of the adopted Shrewsbury and Atcham Borough Local Plan.



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