

## Development Management Report

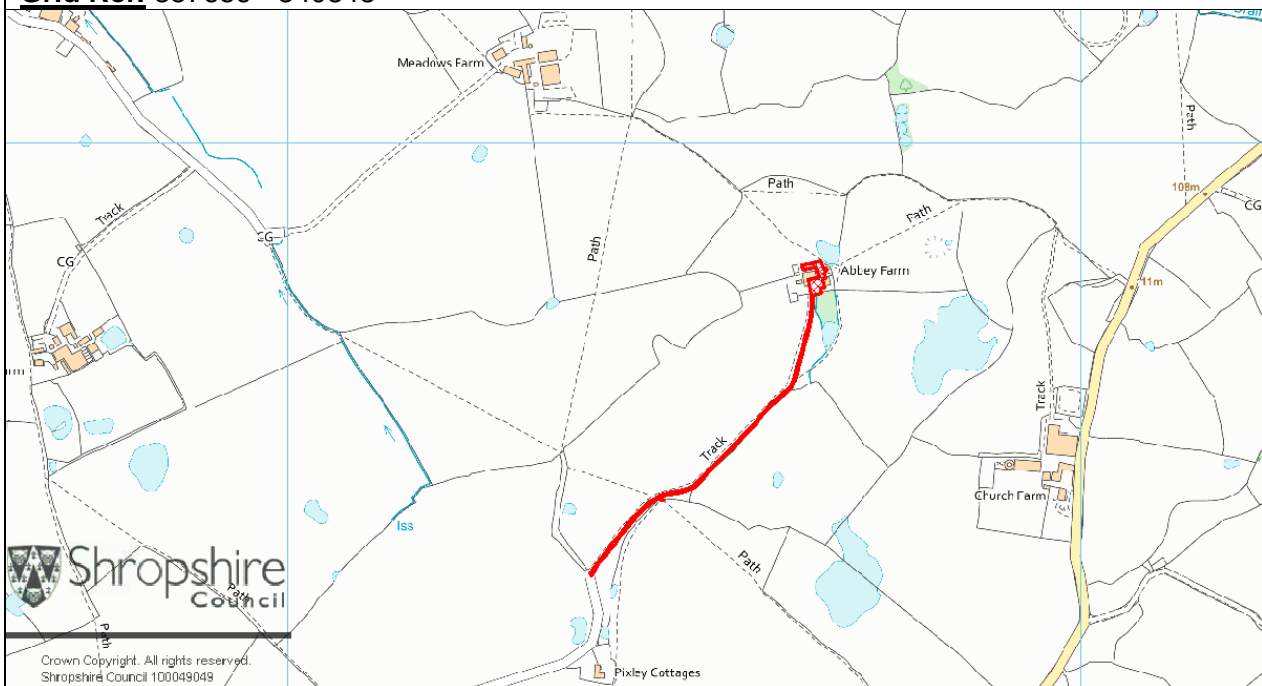
Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 19/03488/FUL	<b><u>Parish:</u></b>	Whitchurch Rural
<b><u>Proposal:</u></b> Erection of a temporary agricultural workers dwelling		
<b><u>Site Address:</u></b> Land North of Abbey Farm Ash Whitchurch Shropshire		
<b><u>Applicant:</u></b> Abbey Farm Partnership		
<b><u>Case Officer:</u></b> Richard Denison	<b><u>email:</u></b> <a href="mailto:planning.northern@shropshire.gov.uk">planning.northern@shropshire.gov.uk</a>	

**Grid Ref:** 357659 - 340848



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**Recommendation: Refuse**

It has not been sufficiently demonstrated that there is an essential functional need for an agricultural worker to live permanently on the site to enable the proper functioning of Abbey Farm Partnership, whilst the proposed dwelling is of a scale considered excessive in relation to a secondary rural worker dwelling which should have a maximum gross internal floor area of 100 square metres. The proposal therefore fails to comply with policies CS5 and CS6 of the adopted Shropshire Core Strategy; policy MD7a of Site Allocation and Management of Development (SAMDev) Plan; the adopted SPD on the Type and Affordability of Housing and the National Planning Policy Framework.

**REPORT****1.0 THE PROPOSAL**

- 1.1 This application relates to the siting of a temporary agricultural workers dwelling for three years in association with a new rural enterprise at Abbey Farm, Ash and will replace an existing redundant cow shed. The proposed dwelling measures 6.8 metres wide by 20 metres long with a shallow ridge height of 3.05 metres providing a gross floor area of 136sqm. The building will provide an open plan kitchen/dining/living room, utility, two bedrooms (one with en-suite bathroom), bathroom, and office and herbarium room. The building will be constructed from a mixture of horizontal timber cladding, vertical panel cladding and slate/metal roof, together with uPVC windows and doors. This will be a secondary agricultural worker dwellings in addition to the existing farm house which is considered the primary agricultural workers dwelling.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 Abbey Farm is located approximately 1km to the north of Ash and is accessed along a private farm lane off a rural unclassified road. The farm consists of an 'L' shaped traditional range of farm buildings and farm house with a central yard. A metal clad cow shed is located adjacent to the farm complex to the north. The surrounding agricultural land is in the ownership of the applicant and includes a mixture of hay fields enclosed by boundary hedgerows and mature trees.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the committee chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

**4.0 COMMUNITY REPRESENTATIONS****4.1 Consultee Comments**

- 4.1.1 **Shropshire Council, Flood and Water Management Team** - No objection subject to the following informative. A sustainable drainage scheme for the disposal of

surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at:

<https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

- 4.1.2 **Shropshire Council, Ecology Team** - No objection is raised subject to safeguarding conditions and informatives.
- 4.1.3 **Shropshire Council, Highways** - The development proposes the erection of temporary agricultural workers dwelling adjoining the farm dwelling, outbuildings and yard at Abbey Farm. The access to the proposed temporary accommodation is gained through the farm, from a private track at the terminus of the rural unclassified no through road. It is considered that the vehicle movements its occupation would be likely to generate would have no material effect on the highway above those already generated by the farm. Consequently, there no sustainable Highway grounds upon which to base an objection to permission being granted.
- 4.1.4 **Shropshire Council, Affordable Housing Officer** - If the dwelling is limited in its time and occupation by a S106 Agreement then no affordable housing contribution will be payable.
- 4.1.5 **Whitchurch Rural Parish Council** - The Parish Council supports this application which will bring employment opportunities to the area and encourages conservation/environmentally friendly working practices.

#### 4.2 **Public Comments**

- 4.2.1 One letter has been received from the Soil Association Land Trust who have provided the following comments:
- The Soil Association Land Trust has been set up to hold land in trust for organic and sustainable farming. People leave legacies of land and they ensure that it is looked after in a climate friendly way, increasing soil health, wildlife and biodiversity. Wherever possible, we provide opportunities for new entrants into farming.
  - Housing provision is a crucial part of new generations being able to farm. The average age of the UK farmer is 60 years and if we wish to attract younger people into farming, providing appropriate nature and scale on-farm accommodation is vital. Where there is genuine need, such as here at Abbey

Farm, to enable a new generation to enter into a farming partnership and take the farm forward into the future, we wholly support such development.

- Our understanding from discussions with the farm partners is that they wish to eventually gift the farm to the Soil Association Land Trust so that it may continue to be farmed into the future, producing healthy food for the local community and caring for wildlife and the environment.
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- Plans for the farm include a return to dairying with a zero waste micro dairy, an eco-hen laying enterprise and an integrated educational outreach programme for school children. Together with an ecologically sensitive approach to land and hedgerow management, and plans for protecting wildlife, increasing biodiversity and promoting rare and native breeds, and with skilled and experienced workers, we feel the new plans for Abbey Farm stand a real chance of success.
- Family farms, like Abbey Farm, are a vital part of our rural landscape and heritage and are under threat as more and more are sold and broken up or amalgamated into large intensive units.
- As the Prince's Countryside Fund 2016 report 'Is there a future for the small family farm in the UK' points out, small-scale farms have an important role to play in a food system that is heavily industrialised. More and more, consumers want to know and trust the provenance of their food and small-scale farmers are ideally placed to deliver on this having a generally strong community engagement through direct and local sales and fewer food miles.
- It is also now more widely known that organic farms increase biodiversity, having on average a third more species, including nearly 50% more species of pollinators, 75% more species of plants and over 20% more species of birds. And that organic farming practices increase soil carbon levels and helpful soil micro-organisms, all significant factors that increase soil carbon sequestration, 'carbon capture', helping to mitigate agricultural greenhouse gas emissions. As the recently published RSA report 'Our Future in the Land' urges, transition to agro-ecological farming practices such as organic will be critical to stop ecosystems collapse and to regenerate nature. Abbey Farm is in conversion to organic and will help deliver these benefits directly to the local environment and via the healthy food it will produce.
- It is vital in our view to keep farms farming, particularly family farms, and for them to be farmed in a way which cares for nature and contributes positively to the local environment. The proposal at Abbey Farm does just this as well as integrating educational outreach, helping children to understand where their food comes from and to experience and understand what climate friendly farming means in practice.

- We whole-heartedly support the application which will enable this small-scale family farm to continue into its third generation and contribute positively to the local rural economy and environment.

## **5.0 THE MAIN ISSUES**

- Background
- Policy & Principle of Development
- Functional Appraisal
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Drainage
- Ecology

## **6.0 OFFICER APPRAISAL**

### **6.1 Background**

- 6.1.1 Abbey Farm is located approximately 1km north of Ash settlement and covers an area of 35.5 acres. It was purchased in 1946 by the applicant's grandfather and operated as a dairy unit using traditional farm methods, retaining pastures and meadows for the dairy herd to graze, whose grass varieties were what wished to grow rather than ploughing and reseeded with modern monocultures. The farm continued to be run by Peter and Beb Forster (the applicant's parents) until Peter retired and the dairy herd sold. The land was then let out to a neighbour until 2018. Peter and Bebs' daughter (Becky) grew up on the farm and helped milk the cows, although Peter passed away in 2013 and is buried at the farm. Beb continues to live in the farm house. Abbey Farm has been continually worked, with crops of hay and haylage being taken in 2019. A full ecological survey of the flora of the land and a survey of the farm has been undertaken by The Woodland Trust which has resulted in the planting of 0.8ha of woodland, together with ditching works and repaired the old hay barn.
- 6.1.2 Becky studied Zoology at university and has a degree in veterinary science, although has 47 years of helping and working at Abbey Farm. Her partner Michael Bain studied agricultural and has sale training, market and managing experience, as well as practical experience in the care and welfare of sheep. Becky and Michael took over the stewardship of the land in 2018 and have entered a partnership with Beb and have applied the land into organic conversion. Michael and Becky are the founders of the current business enterprise, whilst Beb who owns the land, farm and buildings that function as the business premises, serves as an advisor as well as herd manager. The proposed new business venture will provide locally produced unprocessed organic milk and eggs which will be sustainably delivered within a 5 mile radius of the farm by electric delivery vehicles to customers.
- 6.1.3 A small herd of 15 rare breed Shetland cattle will provide the milk, whilst calves, heifer replacements and male cattle will total 40 animals. A flock of 70 rare breed hens will provide eggs for customers. Eggs in hand woven baskets and unprocessed milk bottled in glass bottles will be delivered direct to the customers via an electric van and powered by solar panels. The farm will be the only raw milk

producer in the UK with an in-house lab for daily culturing of milk samples to ensure the highest safety standards are achieved. The farm will also provide wildlife, herb and wild-food educational opportunities with a program of child and adult education which will cover opportunities to learn about the flora and fauna on the farm, rare breed cattle and milk production and rear breed hens and egg production. The farm will ultimately be left to the Land Trust who will respectively keep it in perpetuity as an example of how an integrated, caring approach to farming is able to succeed.

- 6.1.4 A detailed Business Plan has been submitted with the application which has indicated that there are 3 key interconnected areas of the business as follows:

The "Eco-Dairy" and the "Eco-Egg-Orchard"

- The rare breed animals in our care produce, non-homogenised raw milk sold in glass bottles, butter, various cheeses, Scottish flavoured yogurts and eggs to be proud to eat.

"The Herbarium" herb garden and herb distillery

- Our herbs offer us the opportunity to produce bespoke and traditional herbal products as well as being incorporated in some cases with our "Eco-Dairy" range.
- Through the year we will offer Healing Herbs & Wild Food Gathering classes for those beginning their journey into herbs as well as for experienced medicinal herbalists

The Abbey Farm Environmental Experience

- Schools: Working through Key Stage 1 and 2 of the national curriculum, offer children of all abilities, the unique environment to cover the sciences and the arts via 7 key learning locations on the farm.
- Environmental Groups: Overview visits by invitation only, social groups by invitation only and quarterly lectures by experts on specific habitats, species and seasons

- 6.1.5 No cattle have been purchased at this stage as there is a need to have the temporary dwelling to ensure that the herd is managed appropriately. Becky and Michael are currently living in a rental property in Norton-in-Hales which involves an hour round trip. The agent has indicated that this is unsustainable in terms of time and cost to the business. One of the key elements of the new business is the environmental credentials which won't stack up if petrol vehicles are used (as they are at present) to travel to and from the farm, sometimes several times a day. It is therefore proposed to site a temporary dwelling for three years to allow the new rural enterprise to establish and provide the appropriate levels of husbandry and care for the farm animals and operate the business.

## 6.2 **Policy & Principle of Development**

- 6.2.1 The site lies in the countryside as defined in the adopted development plan for the area. The proposal therefore falls to be considered in principle against adopted Core Strategy CS5; adopted Site Allocations and Management of Development

(SAMDev) Plan policy MD7a; the Council's adopted Type and Affordability of Housing Supplementary Planning Document (SPD) and the National Planning Policy Framework (NPPF).

6.2.2 Core Strategy Policy CS5 - Under CS5 development proposals in the countryside on appropriate sites relating to dwellings to house essential agricultural workers are considered acceptable in principle subject to satisfying general development control criteria and compliance with national planning policies; Core Strategy policy CS11 and the Council's adopted Supplementary Planning Document (SPD) on the Type and Affordability of Housing. Policy CS5 makes it clear that the onus rests with the applicant to demonstrate the essential need and benefit for the development proposed.

6.2.3 SAMDev Plan Policy MD7a - Policy MD7a builds on CS5 and sets out at points 2a and 2c that:

*'Dwellings to house essential rural workers will be permitted if:-*

*a. There are no other existing suitable and available affordable dwellings or other buildings which could meet the need ... and, ...*

*c. In the case of an additional dwelling to provide further accommodation for a worker who is required to be present at the enterprise for the majority of the time, a functional need is demonstrated, and the dwelling is treated as affordable housing, including size restrictions. ...'*

6.2.4 Within the explanation to MD7a it states that the second category of rural workers dwelling, relating to the provision of further accommodation, is essentially a specialist type of affordable exception dwelling and will be treated in a similar way when considering proposals. Should the dwelling no longer be required as an occupational dwelling, it is expected that it will normally become part of the affordable housing stock. This default position is to be secured by a S106 legal agreement, i.e. The use of the dwelling would be restricted by a Section 106 legal agreement to ensure that if it is no longer required by an agricultural worker it will revert to an affordable dwelling, in accordance with the requirements of the adopted SPD.

6.2.5 Within the explanation for the policy is also say that: *'The detailed criteria for the assessment and subsequent treatment of exception housing proposals are set out in the adopted Type and Affordability of Housing SPD'.*

6.2.6 The Type and Affordability of Housing SPD: In respect of agricultural workers dwellings the Housing SPD states that applications for new rural occupational dwelling *'need careful assessment in order to prevent abuse of the planning system' and decisions need to be 'based on an accurate assessment of the needs of the enterprise'.* Within para. 3.2 the SPD further states: *'Applicants will be required to demonstrate that a dwelling at the business is essential by showing a functional need for the occupier to be present at the business for the majority of the time ("time" being 24 hours a day, 7 days a week). ...'*

6.2.7 The SPD also sets out the size restrictions applicable to rural occupational dwellings, specifying aiming for a maximum gross internal floor space of 100 sqm and advising that permitted development rights will normally be taken away - both consistent with the approach to affordable housing exception sites.

- 6.2.8 NPPF - The advice within the NPPF, in paragraph 79 indicates , , i.e.: ‘*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;*’

### 6.3 **Functional Appraisal**

- 6.3.1 The Supplementary Planning Document for Type and Affordability of Housing (September 2012) indicates that new agricultural workers dwellings in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work. Policy MD7a of the SAMDev Plan indicates that essential rural workers dwelling would be permitted if there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural business.

#### Essential Need

- 6.3.2 A detailed Business Plan has been submitted with the application which has indicated that a daily presence on site will be needed to manage the milking herd which will include feeding, calving, artificial intelligence, managing grazing, filling and moving the water bowser, clearing muck, etc). Whilst managing the laying flock, set up and read culture plates, bottling the milk, wash the bottles, pack the products for delivery, let the free range hens out in the morning and shut them in at night and collect and pack the eggs. Abbey Farm Environment Experiences will also require an onsite presence. It has been indicated that the business will employ 2.2 full time employees (Becky, Michael and Beb) with responsibilities divided as follows:

#### Cattle (1.1 FTE)

Cattle handling, feeding, bedding, cleaning out, water bowser - filling and moving, calving, hoof trimming, artificial intelligence, milking, drying off, bottle washing, bottling and delivery preparation.

#### Chickens (0.3 FTE)

Egg collection, egg packing, feeding and letting hens in/out.

#### Herbarium (0.3 FTE)

Harvesting herbs, distilling herbs, making products and classes.

#### Abbey Farm Environment Experience (0.2 FTE)

Preparation for school visits, school visits and interest groups.

#### General (1.3 FTE)

Setting up / reading culture plates, delivery of milk and eggs, paperwork, social media, marketing, general land management and environmental stewardship

- 6.3.3 The existing farm house is located directly adjacent to the farm buildings and within a central position of the holding. This provides the essential day to day functional



needs to operate the proposed enterprise and will allow the occupants to respond to any emergencies that may be required throughout the day and night. The agent has indicated that Beb will continue to reside in the existing farm house and Becky and Michael will reside in the proposed new temporary dwelling. The proposed temporary dwelling will in effect be providing a second agricultural workers dwelling on site.

- 6.3.4 No detailed assessment has been submitted in relation to the essential functional need required for the provision of an additional agricultural workers dwelling. The majority of unsocial hour duties indicated do not require the on-site presence of two dwellings. The proposed stock numbers are low, and it is not envisaged that there will be significant levels of calving, etc which requires effectively two key workers to live on site.
- 6.3.5 Officers are in full support for this new agricultural enterprise which will provide local employment, education benefits and provide a sustainable farm. However, it has not been sufficiently demonstrated that there is an essential functional need for an additional agricultural worker dwelling to be on site to enable the proper functioning of this new agricultural enterprise. The existing farm house would provide the necessary accommodation which would allow the close supervision of animals on site and operation of the business.

#### Other Available Accommodation

- 6.3.6 Abbey Farm consists of an existing farm house which is currently occupied by Beb who will act in an advisory capacity and is only able to assist with herd management and office paperwork and is physically unable to attend emergencies alone such as calving's. There are existing traditional farm buildings on the holding which could be converted to provide accommodation. Although officers are aware that this is a new business venture and there is no assurances that the business will be successful to invest in a residential conversion scheme at this stage. It is noted that Becky and Michael currently live in Norton-in-Hales and the distance to Abbey Farm is significant and could involve several trips required on a daily basis to attend various instances that may occur on the farm. However, the existing farm is only 3.5km away from the edge of Whitchurch where there is a wide range of affordable housing for rent or purchase which is only a 5 minute driveway away. Accommodation is also available in neighbouring settlements of Ash, Ightfield, Calverhall, Prees Heath and Broughall which would be within a 5 minute drive of the farm.

#### **6.4 Design, Scale and Character**

- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value.

6.4.2 The proposed temporary dwelling is located directly adjacent to the existing traditional farm buildings within the farm complex. The agent has confirmed that the dwelling will be temporary for a three-year period and will fall within the size, mobility and construction tests for a caravan as follows:

- Size Test - 6.8 metres wide by 20 metres long and less than 3.05 metres high when measured from internal floor to internal ceiling.
- Mobility Test - All caravans must be movable in one whole unit when assembled. It is not necessary for a caravan to be towed, only that it is capable of being moved by road. It is the structure that must possess the necessary qualities, not the means of access to any particular road.
- Construction Test Twin Units - There should be two sections separately constructed. The act of joining the two sections together should be the final act of assembly. No requirement that the process of creating the two separate sections must take place away from the site.

6.4.3 An existing redundant steel-clad cow shed will be removed and is of a similar size to the proposed temporary dwelling. The proposed design and appearance of the dwelling is in principle acceptable and would provide the necessary accommodation to allow the new rural enterprise to establish.

6.4.4 The dwelling will be approximately 6.5 metres away from the existing traditional farm building and accessed through the existing yard. The access will be extended to provide direct vehicular access to the end gable of the dwelling and will provide two car parking spaces and a manoeuvring area. The dwelling will not be visible from the approach driveway or yard as it will be screened by the existing farm buildings, whilst long distance views across the landscape are restricted due to the natural field boundary hedgerows and trees. The site will not extend into the open and will appear relatively inconspicuously within this farm complex. Views of the site from the public highway are restricted due to existing boundary hedgerows and there are no public rights of way which run through the farm yard to the site of the proposed dwelling. The siting of the temporary dwelling is considered acceptable and it will have minimal visual impact on the landscape.

6.4.5 In accordance with the adopted Core Strategy and the Housing SPD a secondary rural worker dwelling, relating to the provision of further accommodation on the holding, is essentially a specialist type of affordable dwelling, and has to be treated in a similar way when considering this proposal. The existing farm house is considered the primary rural worker dwelling, whilst this temporary rural worker dwelling will be the secondary dwelling. Therefore, the dwelling should be restricted to 100 square metres of internal gross floor area as should the dwelling no longer be required as an occupational dwelling it is expected that it will normally become part of the affordable housing stock. The proposed internal gross floor area of the dwelling is 122.85 square metres (6.3m x 19.5m), although the proposed herbarium room, farm office and utility which would be used in connection with the business equates to approximately 23 square metres. Officers consider that the layout and scale of the proposed dwelling is excessive and does not comply with the adopted guidance for rural workers dwellings.

## 6.5 Impact on Residential Amenity

- 6.5.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The nearest residential property is associated to Church Farm which is approximately 350 metres away to the south east and screened by the existing farm buildings and house and agricultural fields. Meadows Farm is located 380 metres away to the north west and separated by agricultural fields and landscaped boundaries. Whilst 1&2 Pixley Cottages are located over 520 metres to the south on an unclassified road which serves Abbey Farm. Having regard to the distance and intervening landscaping a temporary dwelling located on this site will not result in any impact on neighbours from causing an overbearing impact, loss of light or resulting in overlooking and loss of privacy. The provision of a single dwelling would not result in significant traffic movements which would be detrimental to properties in the surrounding countryside.

## 6.6 Highways

- 6.6.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should be designed to be safe and accessible to all. Access will be along the existing private farm lane which links onto the rural unclassified no through road. It is considered that the vehicle movements likely to generate would have no material effect on the highway above those already generated by the farm. The additional movement of vehicles from an additional residential unit will have minimal impact on the highway network. The Council Highways Authority have indicated that there is no sustainable Highway grounds upon which to base an objection to permission being granted.

## 6.7 Drainage

- 6.7.1 Policy CS18 ‘Sustainable Water Management’ of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application indicates that foul drainage will be dealt with via a septic tank and no objection has been raised by the Drainage Engineer subject to the design being in accordance with Building Regulations. The application indicates that surface water will be disposed of via soakaways and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions.

## 6.8 Ecology

- 6.8.1 Policy CS17 ‘Environmental Networks’ of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire’s environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environmental and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in the National Planning Policy Framework that indicates that the planning system should contribute to and enhance the natural and local environment by protecting and

enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

- 6.8.2 The application has been accompanied by a detailed Great Crested Newt Survey and Reasonable Avoidance Measures Statement (RAMS) which has indicated that there are seven ponds within 250 metres of the site. Pond 1 is only located 8 metres away from the proposed cow shed which will be demolished to allow the siting of the temporary dwelling. The survey indicated that this scored a habitat suitability index of 'excellent' and there was a small breeding population of Great Crested Newts. The development will involve the loss of refuges suitable and Great Crested Newt RAMS should be followed to ensure that any newts on the site are protected. A European Protected Species Mitigation licence from Natural England is not required provided the Great Crested Newts RAMS is followed which includes matters of timing of works and site clearance.
- 6.8.3 The Council Ecology Team have raised no objection to the application subject to several safeguarding conditions including landscaping mitigation, provision of ecological clerk of works, bat and bird boxes and provision of lighting plan.

## **7.0 CONCLUSION**

- 7.1 Officers appreciate this proposal refers to a new agricultural enterprise which could provide some local employment, education benefits and aims towards a sustainable farm. However, it has not been sufficiently demonstrated that there is an essential functional need for an additional agricultural worker dwelling to be on site, in order to enable the proper functioning of this new agricultural enterprise, whilst the proposed dwelling is of a scale considered excessive in relation to a secondary rural worker dwelling which should have a maximum gross internal floor area of 100 square metres. The existing farm house would provide the primary rural worker dwelling and necessary accommodation which would allow the close supervision of animals on site should it be required and operation of the business. Officers would not be averse to a modest extension to this property to provide an annex to allow the family to reside as a whole and operate this rural enterprise.
- 7.2 In arriving at this decision, the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural

justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## **8.2 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 on residents.

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

## **8.3 Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## **9.0 FINANCIAL IMPLICATIONS**

- 9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

## **10.0 BACKGROUND**

### **10.1 Relevant Planning Policies**

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

#### **National Planning Policy Framework:**

**Shropshire Council Core Strategy (February 2011):**

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

**Site Allocations and Management Development Plan (December 2016):**

MD2 : Sustainable Design

MD7a Managing Housing Development in the Countryside

MD12 : Natural Environment

**10.2 Relevant Planning History**

There is no relevant planning history.

**11.0 ADDITIONAL INFORMATION**

List of Background Papers - Planning Application reference 19/03488/FUL

Cabinet Member (Portfolio Holder) - Cllr Gwilym Butler

Local Member - Cllr Gerald Dakin

Appendices - None