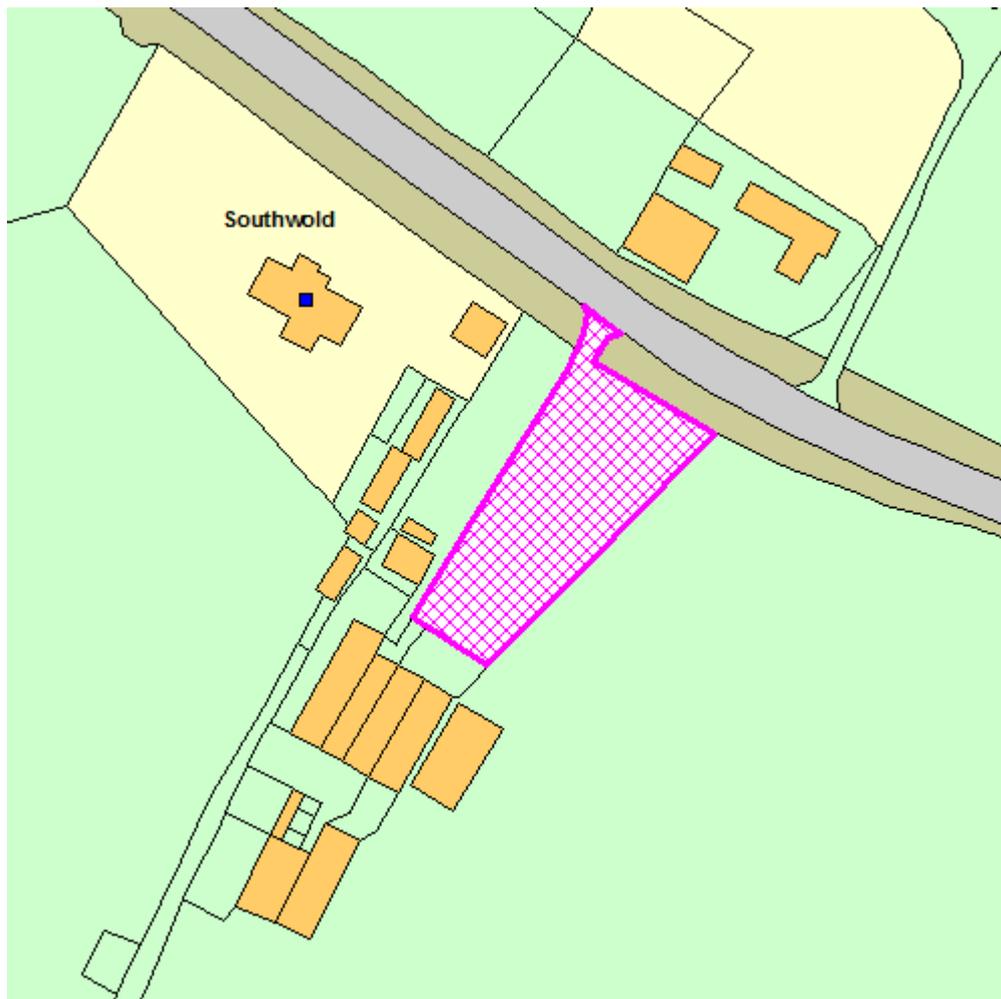




## Development Control Committee Schedule 24/04/2018

<b>Item No:</b>	<b>03</b>
<b>Application No.</b>	S.17/2688/FUL
<b>Site No.</b>	PP-06566191
<b>Site Address</b>	Land Adjacent To Southwold, Bournstream, Wotton-Under-Edge, Gloucestershire
<b>Town/Parish</b>	North Nibley Parish Council
<b>Grid Reference</b>	374628,194474
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Change of use of agricultural land to residential use and the erection of a temporary dwelling (C3) subject to an agricultural occupancy condition.
<b>Recommendation</b>	Refusal
<b>Call in Request</b>	Councillor Catherine Braun





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<b>Applicant's Details</b>	P R And S J Finlay 15 Highlands Drive, North Nibley, Dursley, Gloucestershire, GL11 6DX
<b>Agent's Details</b>	Leavers Rural Planning Consultants White House Farm, Brookfield Road, Churchdown, GL3 2PE,
<b>Case Officer</b>	Rachel Brown
<b>Application Validated</b>	28.11.2017
<b>CONSULTEES</b>	
<b>Comments Received</b>	
<b>Not Yet Received</b>	North Nibley Parish Council Development Coordination (E) Cotswolds Conservation Board
<b>Constraints</b>	Area of Outstanding Natural Beauty North Nibley Parish Council
<b>OFFICER'S REPORT</b>	

### MAIN ISSUES

- o Principle of development
- o Design and appearance
- o Residential Amenity
- o Highways
- o Landscape
- o Ecology

### DESCRIPTION OF SITE

The site is located in a rural setting outside of any identified settlement development limits; being approximately 790 metres from the edge of the main settlement of Wotton under Edge, and approximately 1.34KM from the settlement of North Nibley. Bournstream comprises a small group of houses and farm buildings forming a linear pattern of development along the B4060.

The site is surrounded by agricultural land and lies within the Cotswold Area of Outstanding Natural Beauty (AONB).

### PROPOSAL

Change of use of agricultural land to residential use and the erection of a temporary park home dwelling (C3) subject to an agricultural occupancy condition.



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### **MATERIALS**

Walls: Larch Wood  
Doors/windows: UPVC

### **REPRESENTATIONS**

#### **Statutory Consultees:**

Local Highway Authority - no highway objection is raised

#### **Public:**

To date 9 letters of support, including from North Nibley Parish Council, have been received.

### **NATIONAL AND LOCAL PLANNING POLICIES**

National Planning Policy Framework.

Available to view

at:<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils website:

[https://www.stroud.gov.uk/media/1455/stroud-district-local-plan\\_november-2015\\_low-res\\_for-web.pdf](https://www.stroud.gov.uk/media/1455/stroud-district-local-plan_november-2015_low-res_for-web.pdf)

Local Plan policies considered for this application include:

CP1 - Presumption in favour of sustainable development.

CP2 - Strategic growth and development locations

CP3 - Settlement Hierarchy.

CP14 - High quality sustainable development.

CP15 - A quality living and working countryside

ES3 - Maintaining quality of life within our environmental limits.

ES4 - Water resources, quality and flood risk.

ES6 - Providing for biodiversity and geodiversity.

ES7 - Landscape character.

ES8 - Trees, hedgerows and woodlands.

ES12 - Better design of places.

The proposal should also be considered against the guidance laid out in:

Stroud District Landscape Assessment SPG (2000)

Planning Obligations SPD (2017)

The application has a number of considerations which cover the principle of development and the details of the proposed scheme which will be considered in turn below:



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### **PRINCIPLE OF DEVELOPMENT**

The proposal applied for here is for a temporary agricultural worker's dwelling. The applicant, Mr P Finlay, who lives in nearby North Nibley is looking to retire and pass on more responsibility to his son Scott Finlay. Scott Finlay currently lives in Gloucester; approximately 22 miles away.

An application was submitted for a permanent dwelling on site in October 2016 for Scott Finlay and his wife (S.16/2188/FUL). That application was refused on 01/12/2016 on the grounds that the application had failed to demonstrate that there was an essential need for an agricultural worker to be permanently based at the site.

This latest application is based on there being an essential need for a worker to live on site to develop the enterprise into a viable business over the next three years and making a case for a permanent dwelling.

The applicant owns 30 acres (12.14 HA) of grassland. There is a block of 120 acres (48.56 HA) of land nearby occupied on farm business tenancy which expires this year but with a letter of intention from the owner to grant a 10-year farm business tenancy; and a further 80 acres (32.37) of grazing is occupied by annual arrangement; in addition arrangements are entered into locally over c300 acres (121.41 HA) acres for winter sheep grazing.

The applicant runs a mixed flock of c500 ewes. They are lambed during the April period. The proposal is to expand and develop the livestock enterprise by increasing the sheep flock to 600 (split the lambing with 200 lambing in January and the remaining 400 in April), and to outdoor rear a pig fattening enterprise with 3 sows on site.

The application site is located outside of any settlement being approximately 1km to the North-west of the settlement limits of Wotton under Edge and approximately 1km to the South of the settlement of North Nibley. The site is therefore considered to be in the open countryside for development plan purposes. The proposed residential development would therefore conflict with the development strategy for the District as set out in Policies CP1 and CP2 of the Local Plan. The Council is able to demonstrate a five year supply of deliverable housing sites. For this reason the site is considered to be in an un-sustainable location remote from services and facilities.

Local Plan Policy CP15 is relevant when assessing proposals for new development in rural locations. The site is located in the countryside, outside identified settlement limits. In order to protect the separate identity of settlements and the quality of the countryside, Policy CP15 places restrictions on new development outside identified settlement limits. In terms of new housing in the countryside, the policy only allows for dwellings essential to an existing farming or forestry enterprise, for rural exception sites, for replacement dwellings, and for enabling development to maintain a heritage asset of acknowledged importance. This reflects the advice contained within Paragraph 55 of the NPPF. Publication of the NPPF replaced PPS7 'Sustainable Development in Rural Areas' and its Annex A, which provided clear criteria to assess the 'essential need' of a dwelling, including temporary dwellings. Although Annex A no longer constitutes planning policy, in the absence of any other



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guidance, it is still used as a benchmark by both Local Planning Authorities and agricultural consultants for assessing this type of development.

### **INTENTION AND ABILITY**

The intention is to expand the farming business with Scott Finlay taking on the business. There is no doubt that Scott Finlay has the skill set to manage a mixed livestock enterprise of the site proposed.

The proposed stock numbers are naturally reliant on the future availability of land and the business is clearly heavily reliant on rented land, with little or no security. There is the possibility that the 120 acres, presently on a Farm Business Tenancy and expiring this year, will be let to the applicant for a further longer term; however until the agreement is completed and terms clarified, this cannot be given any weight. Presently the only acreage that can be relied on is the owned 30 acres which would barely support 100 sheep, which is not viable. This concern was raised during the last application, but does not appear to have been addressed/clarified.

It should be noted that the application does not deal with the availability of suitable land for outdoor pigs, including the ability to rotate and rest land, and the issues of waste management. Pigs kept on outdoor systems require very permeable soils which are well drained. There is also a requirement for sufficient acreage in order to be able to rotate the pigs and allow the land to recover and be reseeded. The application site comprises Curtisden Series soil that is slowly permeable and poorly draining causing seasonal water logging and prone to poaching. The consequences of poor ground conditions and pigs can mean welfare issues, and in addition affect the applicant's ability to qualify for cross-compliance, which includes good soil management, and thereby potentially affect the applicant's claim for support payments.

The applicant's agent has made reference to a new variety of grass call Rhizomatous Tall Fescue which has been trialled by a 5500-outdoor Norfolk sow unit for its hardy qualities in maintaining a green cover and drought resistance. However, no detail was been provided as to the Norfolk farm's stocking rate, ability to rotate, the soil type/quality of the farm and indeed whether it could be grown successfully on the field at Bournstream.

No assessment/case has been made as to how pigs can be kept on this land and it is considered that there is no proven case that there is the practical ability to build up and maintain the proposed stocking for the foreseeable future.

### **FUNCTIONAL NEED**

The majority of the husbandry duties involving housed livestock would be routine such as handling, sorting feeding, checking, and treating, which in any case would be carried out during the working day, with a check first and last thing. This would include both the pigs and sheep.



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In the case of sheep, for the majority of the year they will be out to grass. During the core lambing season, which in this case is during January and April, there will be a requirement for someone to be on duty during the night. Whether there is a dwelling on site or not, it does not affect the welfare of the ewes and lambs during lambing, since lambing is something that is planned for, and the duties in and around the lambing ewes can be likened to shift work. If it was found that there was a functional need for there to be somebody based on site for the periods of lambing, it would only be at best a seasonal need. It is commonplace for sheep farms to bring a touring caravan on site during this period. This is not because there is a functional need, but to provide "off-shift" accommodation for that person.

In the case of the sows, then around farrowing time there would be need for extra vigilance and frequent observation, some of which might be required out of normal working hours before and after the farrowing, especially to maximise piglet survival. There would be little more than 6 farrowings in a year, and on that scale, it would fall a long way short of there being a requirement for a permanent on-site presence. The assessment of the functional need naturally relates to stock numbers and the lack of secure availability of land.

It is considered that there is no proven case that there is a functional need for a worker to be based on site even for a temporary period.

### **FINANCIAL CONSIDERATIONS**

While financial considerations are no longer a test within the NPPF, the Council's Agricultural consultant has drawn attention to the applicant's heavy reliance on rented land which gives less of a foundation on which to rely on when considering financial viability.

Based on the information submitted, it is considered that the proposed business cannot be said to be planned on a sound financial basis.

### **OTHER DWELLINGS**

The applicant Mr P Finlay lives in North Nibley and has managed the livestock from here for 30 years, which has included up to 600 sheep plus cattle and pigs.

Scott Finlay lives in Gloucester from where it would be difficult to manage a livestock enterprise from. However, the site is within an easy commute of the nearby settlements of North Nibley and Wotton under Edge, the locations of which would suffice in meeting any functional need requirement based on the proposed scale of enterprise.

In summary, advice has been sought from an independent agricultural advisor who has undertaken an appraisal of the application. Their report highlights a number of issues with regards to the functional need for a worker to be permanently based on site, and the financial viability of the business. In addition it is highlighted that there are plenty of properties available within an easy commute of the site. The report concludes that there is no essential need for a temporary dwelling.



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### DESIGN AND LAYOUT

The site is within a designated AONB, where priority will be given to the protection and enhancement of the natural and scenic beauty of the landscape. Bournstream itself comprises a small group of houses forming a primarily linear form of development along the B4060. A new dwelling in this location is unlikely to be viewed as an isolated dwelling within the countryside. Policy ES7 of the Local Plan seeks to ensure new development within the AONB is appropriate in terms of its location, materials, scale and use. A temporary dwelling in this location, whilst its temporary nature would not in keeping with its immediate surroundings, any visual impact would be for a temporary period and not cause permanent harm to the surrounding landscape character.

### RESIDENTIAL AMENITY

Given the size of the plot and the degree of separation to neighbouring properties the dwelling proposed would not cause detrimental harm to neighbouring occupier's amenities.

### HIGHWAYS

Adequate visibility splays can be provided and sufficient parking and turning facilities are shown and would ensure that vehicles and pedestrian can successfully negotiate the site. As such, access arrangements are considered to be acceptable.

### REVIEW OF CONSULTATION RESPONSES

North Nibley Parish Council Support the application.

A number of letters of support have been received in relation to this application. Copies of these letters can be viewed on the electronic planning file.

### RECOMMENDATION

The proposal is NOT considered to comply with the provisions of policies listed in the reasons for refusal and contained in the adopted Stroud District Local Plan, November 2005 and the core planning principles set out in the NPPF.

### HUMAN RIGHTS

In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.

#### For the following reasons:

1. The site is located outside identified settlement development limits, being approximately 1km from the edge of the settlement limits of Wotton under Edge and North Nibley and is considered to be in an unsustainable rural location remote from services and facilities. The proposal applied for here is a temporary agricultural workers



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dwelling; however the applicant has failed to demonstrate that there is an essential need for an agricultural worker to be based at this site. With no rural justification, community need or other overriding justification being provided, the proposal is not imperative or essential in this countryside location. The proposal therefore would conflict with the development strategy for the District as set out in policies CP1 and CP2 of the adopted Stroud District Local Plan and would not comply with the principles as set out in Policy CP15 of the Local Plan.

### Informatives:

1. For the reasons given above the application is recommended for refusal. The applicant/agent has been contacted and the issues explained. Furthermore, the case officer has suggested that the application be withdrawn so that the project can be fully discussed.