

<b>REFERENCE NO:</b> 18/505386/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of temporary agricultural dwelling. (Resubmission of 18/502292/FULL)		
<b>ADDRESS:</b> Kings Oak Farm Crump's Lane Ulcombe Kent ME17 1EU		
<b>RECOMMENDATION: Grant Planning Permission subject to planning conditions</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> This proposal is considered acceptable with regard to the relevant provisions of the Local Plan, the revised NPPF and all other material considerations such as are relevant. A recommendation of approval of this application is therefore made on this basis.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> - Ulcombe Parish Council object and has called the application to Planning Committee		
<b>WARD:</b> Headcorn	<b>PARISH COUNCIL:</b> Ulcombe	<b>APPLICANT</b> Mr & Mrs Norman Coles <b>AGENT</b> Architectural Designs
<b>DECISION DUE DATE</b> 12/12/18	<b>PUBLICITY EXPIRY DATE</b> 23/11/18	<b>OFFICER SITE VISIT DATE</b> 01/11/18
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

18/502292/Full - Erection of temporary agricultural dwelling – Application Withdrawn

18/501616/FULL - Change of use of land for the stationing of 5 static mobile home holiday lets as shown on drawings 18/0931; 18/0932; and 18/0933 – Application Refused

18/501611 - Prior Notification for agricultural barn – Prior approval not required

17/500430 - Pre app: Temporary mobile home for agricultural worker

17/500422 - Pre app: 5 holiday lets (mobile homes)

16/502704 - Pre app: 5 holiday lets (mobile homes) & mobile for agricultural worker

15/508880 - Pre App: Demolition of pole barn and erection of holiday retreat lodge

MA/13/1421 – Prior Notification for agricultural building (hay & animal fodder) – Prior approval granted

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.01 The proposal site is located on the southern side of Crump's Lane, some 1.3km to the west of the junction with Headcorn Road. The site is currently grazing land and recent prior approval applications have permitted 2 agricultural buildings on the land (to the west of the proposal site). For the purposes of the Local Plan, the proposal site is within the countryside that falls within a Landscape of Local Value.

## **2.0 PROPOSAL**

- 2.01 The proposal is for the erection of a temporary agricultural dwelling provided as a mobile home. The application states that the existing access would be utilised from Crump's Lane. A new driveway of gravel hardcore and plainings would be laid from the access on Crump's Lane leading up to the mobile home.
- 2.02 The mobile home would be sited to the south-east of the existing barn (permitted under application reference MA/13/1421) and to the immediate east of the barn (permitted under application reference: 18/501611). The proposed mobile home would have 2 bedrooms, with parking spaces to the front. The mobile home would measure 14m x 7m with a height to ridge of 5m. The site would be enclosed by a post and rail fence.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: SS1, SP17, DM1, DM8, DM30, DM34  
Landscape Capacity Study: Sensitivity Assessment (2015)  
Landscape Character Assessment (2012 – amended 2013)  
Landscape Character Assessment Supplement (2012)

## **4.0 LOCAL REPRESENTATIONS**

- 4.01 6 neighbour objections on the following summarised grounds:
- Suitable accommodation already exists locally for a worker;
  - Calving for highland cattle does not require close attention and a full time worker on site;
  - The temporary building is not a temporary structure and has no architectural merit;
  - Unsightly building that is in the setting of 4 Grade 2\* listed buildings;
  - Building is in the open countryside and contrary to NPPF paragraph 55;
  - Visible from Crump's Lane and from public footpaths;
  - Container on site is visible from Crump's Lane and is unsightly with previous planning enforcement for this container;
  - Crump's Lane is single track and not suitable for additional vehicle movements;
  - Plans show a permeant three bedroom dwelling and not a temporary structure; and
  - Site has already been transformed from agricultural fields with the development of the barns.

## **5.0 CONSULTATIONS**

- 5.01 **Ulcombe Parish Council:** Wish to see application refused and reported to planning committee. Comments summarised as follows
- *Reason for the application is spurious as: Sleeping worker is unlikely to wake for animals;*
  - *Is accommodation available locally*

- *Calving of highland cows does not require close attention;*
- *The temporary building is a purpose built three bedroom bungalow;*
- *Building will stand out in a lane which has 4 listed buildings;*
- *Building is in the open countryside and contrary to NPPF paragraph 55 as they do not consider there are special circumstances for a rural worker to live on site;*
- *Cattle have been using the barn erected under application reference: 13/1421;*
- *Visible from Crump's Lane and footpaths KH332A and KH328;*
- *Current container on site does not have permission;*
- *Site is open countryside (Low Weald), and proposal will have adverse impact and loss of amenity in this Landscape of Local Value. Visual impact will be adverse, urban in character, and will be visible from Crump's Lane;*
- *Crump's lane is single track and cannot sustain development which creates traffic; and*
- *Urge that the application is refused for the same grounds as the 6 holiday homes.*

5.02 KCC Highways – No objection

5.03 Rural Planning Consultant (summarised) – Considers on balance that the level, and nature of the livestock to be based at Kings Oak Farm, and associated activities, will essentially warrant the on-site attendance of a full time worker. This will enable the proper functioning of the business in terms of management of the animals and associated security issues.

## **6.0 APPRAISAL**

6.01 The key issues for consideration relate to:

- Principle of Development
- Agricultural Need
- Visual Impact

### **Principle of Development**

6.02 The NPPF at paragraph 79 in relation to isolated homes in the countryside can allow for new dwellings where *"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;"*.

6.03 In terms of the Maidstone Borough Local Plan, the proposal would be subject to the normal constraints of development in the countryside as designated under the Maidstone Local Plan (2017), SP17 advises that proposals in the countryside will not be permitted unless they accord with other policies in the Local Plan and would not result in unacceptable harm to the character and appearance of the area.

6.04 Policy SP17 of the Local Plan also seeks to conserve and enhance the distinctive landscape character of the Low Weald, a Landscape of Local Value. Local Plan Policy DM34 (outlined below) does allow for accommodation for agricultural workers in the countryside, this is subject to other material planning consideration (such as

visual harm) and protection will still be given to the rural character of the borough's countryside. The Local Plan is in accordance with the NPPF.

Policy DM34 - Accommodation for agricultural and forestry workers

- 6.05 Proposals to site a caravan or other form of temporary housing accommodation for an agricultural or forestry worker outside of the settlement boundaries as defined on the policies map which meet the following criteria will be permitted:
- i. The dwelling and its siting on an agricultural or forestry holding are essential for the efficient development and running of the enterprise there;
  - ii. The need is for accommodation for a full time worker;
  - iii. There is clear evidence that the enterprise has been planned on a sound financial basis and that there is a firm intention and ability to develop it;
  - iv. No other housing accommodation is already available locally to meet the need;
  - v. The necessary accommodation cannot be provided by the conversion of a building on the holding; and
  - vi. The necessary accommodation would be sited with any farmstead or other group of rural buildings on the holding.
- 6.06 It is therefore appropriate to apply a functional test (as to whether it is essential for the functioning of the farm for a full time rural worker to live permanently on the site to be on hand at most times). It is also appropriate to apply a financial test (as to whether there is a profitable enterprise that is financially sound, has a clear prospect of remaining so and that it can sustain the size of the dwelling proposed) to judge whether the proposal represents sustainable development, this being a key requirement under the Local Plan Policy. Clearly, if the enterprise is not financially sound or cannot support the temporary dwelling or the dwelling is so large that the retention of agricultural occupancy condition is threatened, then there is a real risk it would not be able to serve its original purpose. These are key considerations in this case to determine whether the dwelling is essential and sustainable.

**Agricultural Need**

- 6.07 As outlined above, Local Plan Policy does seek to support the economy of the borough, including providing for the needs of existing rural businesses; and the NPPF, in special circumstances, does allow for isolated homes if there is an essential need for a rural worker to live permanently at their place of work in the countryside.
- 6.08 The landholding which relates to the proposal was purchased by the applicants in 2012 as additional land to their main farm holding at Roundoak Farm, Sutton Valence. The enterprise at Roundoak has over 500 Hebridean sheep. It is now proposed to develop Kings Oak farm as a separate "stand alone" venture, with the (horned) Highland and White Park cattle based there, whilst the (non-horned) Sussex herd and the Hebridean sheep will remain based at Round Oak Farm. Over the next three years it is anticipated that the Highland herd at Kings Oak will be increased to some 30 cows, with an associated increase in offspring of various ages, and the White Park herd to 20 cows plus offspring.

- 6.09 The submitted business plan shows expected income from sales of whole steers, butchered beef, and some live pedigree sales. The Council's rural planning consultant has assessed the submitted information and considers that on balance that the level, and nature, of the livestock to be based at Kings Oak farm, and associated activities, will essentially warrant the on-site attendance of a full-time worker, for the proper functioning of the business in terms of management of the animals, and associated security issues. The consultant does advise that financial justification is relatively optimistic; however the temporary nature of the agricultural dwelling allows the applicants' predictions to be tested over time at the end of the temporary period being sought.
- 6.10 In regards to criteria 4 and 5 of Policy DM34, the policy states that there should be no suitable accommodation already available locally to meet the need and that the necessary accommodation cannot be provided by the conversion of a building on the holding. The applicant has stated that there is no accommodation locally for sale and in addition there is a need for the worker to be located on the site for the welfare of the animals. This argument that the farm warrants the on-site attendance of a full time worker has been accepted by the Council's rural planning consultant.
- 6.11 With regards to the conversion of existing buildings on the holding, under the previous prior notification applications (18/501611 and MA/13/1421) the Council accepted that the barns are reasonably necessary. As a result conversion of one of the barns could result in a further application for a new replacement barn as this is needed agricultural storage space.
- 6.12 In reviewing the details presented, and, given the specific circumstances of this application, there is justification for a temporary mobile home at this site. A 3 year temporary period is considered a reasonable time to continue the effective running (and expansion) of this rural business and after this time the local planning authority can review the case and consider if there is still justification for such accommodation here.

### **Visual Impact**

- 6.13 In terms of the design and visual impact of the dwelling, the mobile home proposed is a single storey, two bedroom mobile home which would measure 14m x 7.0m with a height to ridge of 5m. The vehicular access to the temporary agricultural worker's dwelling will be the same as for the agricultural farm buildings.
- 6.14 The mobile home would be set back more than 110m from Crump's Lane and would be sited approx. 200m from the nearest residential property at Cedar Cottage located to the west.
- 6.15 Policy SS1 of the Local Plan states that Landscapes of Local Value will be conserved and enhanced and that protection will be given to the rural character of the borough; SP17 states that the distinctive landscape character of the Low Weald will be conserved and enhanced as Landscapes of Local Value and proposals in the countryside will not result in harm to the character and appearance of the area; and policy DM30 states that new development should maintain, or where possible, enhance the local distinctiveness of an area. The Low Weald Landscape of Local

Value is considered to be a landscape that is highly sensitive to significant change, and it is a landscape that should be conserved and enhanced where appropriate.

- 6.16 In accordance with the Council's Landscape Character Assessment, the Low Weald generic guidelines seek to "...conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads"; and more specifically, Area 42 (Ulcombe Mixed Farmlands) of this landscape assessment is an area being of *high* overall landscape sensitivity that is *sensitive to change*.
- 6.17 The previous application for 5 static mobile holiday lets (application ref: 18/501616/FULL) was refused due to the proposal resulting in unacceptable visual harm to the character and appearance of the countryside. These holiday lets, unlike the current proposal, were located approx. 120m to the east of agricultural barns on the east boundary of the site.
- 6.18 With regard to this current proposal, as a general exception to the restriction on additional residential development in the countryside, there is policy support within the NPPF and the Local Plan for agricultural dwellings subject to the criteria laid out in Policy DM34. In terms of visual harm the mobile home would be sited immediately adjacent to farmstead buildings that would provide a visual buffer from views to the west. A hedge also runs parallel to the highway and the site to the north and whilst there may be glimpses of the mobile home from the highway, the set-back, the existing hedgerow and other built features, would provide acceptable levels of screening from this public vantage point of this 1 mobile unit.
- 6.19 The proposal building would be located adjacent to existing farmstead buildings as required by Policy DM34, Criterion VI. It is also single storey, has a visual buffer and it is for a temporary period. It is therefore considered that this proposal would not cause significant unacceptable visual harm to the character and appearance of the countryside and the Landscape of Local Value hereabouts.

#### Other considerations

- 6.20 The proposal site is not considered to be in a wholly sustainable location, in terms of being predominantly reliant on the private motor vehicle to access basic amenities and services. However, given the circumstances of the proposal, including the desire to support an existing rural business and the fact that the applicant would be living at their place of work, no objection is raised on these grounds in this instance.
- 6.21 The proposal would make use of an existing vehicle access and the proposal is not considered to harmfully intensify the use of this access. There is also ample parking provision on the site. No objection is raised by the highway authority in terms of the impact of the mobile home on the local highway network. As such, no objection is raised in terms of the proposal's impact upon highway safety and the local road network.
- 6.22 Given the separation distances from any neighbouring property, no objection is raised in terms of its potential impact upon the residential amenity of any local resident. The comments made by Ulcombe Parish Council and the local residents have been considered in the determination of this application. However, it should be added that given the separation distances of approx. 320m from the proposal site to

the closest listed building, it is considered that this proposal would not have an unacceptable impact upon their setting.

- 6.23 The proposal would make use of a septic plant; and the site is in Flood Zone 1. With this considered, no objection is raised in terms of foul sewage disposal, surface water drainage and flood risk.
- 6.24 There are no protected trees on, or immediately adjacent to the site.
- 6.25 Reference has been made in a number of representations to other development on the site and to enforcement issues, but these are not a material planning consideration in the determination of this application. Such complaints should be directed to the Council's Planning Enforcement Team for investigation.

#### Conclusion

- 6.26 In this instance, the need for this accommodation in this location for a temporary period of 3 years is justified, in order to allow the existing business to continue at full capacity and for the welfare and security of the animals.
- 6.27 Although glimpses of the mobile unit may be visible from Crump's Lane, the proposal would be seen amongst the existing farmstead building and the agricultural dwelling would not appear significantly visually harmful within its countryside setting. As such, given the circumstances of this application, the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of the application is therefore made on this basis.

#### **RECOMMENDATION – Application Permitted 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 mobile home hereby permitted shall be removed and the land upon which it is sited restored to its former condition within three years of the date of this decision; the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, and all works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

Reason: To enable the local planning authority to review the special circumstances under which this permission is granted.

(3) 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.

4) No more than 1 static caravan or mobile home, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the land at any one time;

Reason: To safeguard the character and appearance of the countryside.

(5) The mobile home hereby approved shall not be brought on site until details of a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include:

i) Retention and additional hedgerow planting along the northern boundary of application site along Crump's Lane;

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To ensure a satisfactory appearance to the development.

(6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory appearance to the development.

(7) No fencing, walling and other boundary treatments shall be erected within the application site unless otherwise agreed in writing by the local planning authority;

Reason: To safeguard the character and appearance of the countryside.

8) No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance

contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: To ensure a satisfactory appearance to the development and in the interests of residential amenity.

(9) The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

Location Plan – Drawing No. 18/0912A – Received on 20/12/2018

Block Plan – Drawing No. 18/0916 – Received on 20/12/2018

Plans & Elevations – Drawing No. 18/0917 – Received on 20/12/2018

Reason: To ensure a satisfactory appearance to the development and in the interests of residential amenity.

(10) Development shall not begin until details of the proposed means of foul and surface water disposal have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling hereby approved.

Reason: To ensure adequate sewage disposal arrangements.

Case Officer: Adam Reynolds

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.