
Delegated report Officer: Thomas Beardsmore

Application ref. DMPA/2021/0079

The variation of condition no. 1 of permission ref. 9/2010/0994 (relating to the retention of temporary mobile home as permanent farmhouse for an indefinite period in substitution for that approved under 9/2007/0230) at Oak Tree Farm, Ticknall Road, Milton, Derby, DE65 6EG

Valid date: 18/01/2021

Consults expired: 12/03/2021

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/2007/0230 Proposed new farm unit and supporting temporary dwelling - Approved April 2007

9/2010/0994 The retention of temporary mobile home as permanent farmhouse for an indefinite period in substitution for that approved under 9/2007/0230 - Approved December 2010

9/2017/0111 Prior Notification for the erection of an agricultural shed - Approved June 2017

DMPA/2021/0080 The erection of an agricultural workers dwelling - Under consideration

Responses to consultations and publicity

County Highway Authority - No objection.

Environmental Health - There are no significant environmental impacts associated with this development and there are no comments or objections.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S3 (Environmental Performance), S4 (Housing Strategy), S6 (Sustainable Access), H1 (Settlement Hierarchy), H20 (Housing Balance), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), BNE1 (Design Excellence), BNE4 (Landscape Character and Local Distinctiveness) and INF2 (Sustainable Transport).
- Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries), H25 (Rural Workers' Dwellings) and BNE5 (Development in Rural Areas).
- Repton Neighbourhood Development Plan (NDP): H1 (The Limits of Development), H3 (Housing Mix), H4 (Design of New Developments), H5 (Design of Car Parking), OS2 (The Impact of New Development on Views of and Views From the Countryside), OS3 (Important Trees and Hedgerows) and T1 (Car Parking in New Developments).

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Planning considerations

This application seeks to vary or remove conditions attached to a previous approval. The principle of development has therefore been established and hence the following assessment takes into account only the matters which are relevant to the conditions concerned. Taking this into account along with the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Principle of development.

Planning assessment

Principle of development

The justification for the continuation of the occupation of the mobile home is the same as the justification for the need for the new dwelling, which is being considered under application DMPA/2021/0080 and was submitted at the same time. The applicant considers removal of the temporary dwelling should be enforced only after the new dwelling has been built. Permission is now required in order for the mobile home to be retained as the previous temporary permission has now lapsed.

Oak Tree Farm was established in 2007 when a new dairy unit was built, and now totals 3,750 m² of buildings. The farm is being run in partnership between the applicant, his partner, and their son. All three currently live in the temporary dwelling on the holding. The farm is 146.24 hectares of which 142.24 hectares is owned and 4 hectares are rented on a short-term Farm Business Tenancy.

Permission was originally granted for a temporary dwelling to service a new dairy unit that was being established in 2007. The original permission was granted under reference 9/2007/0230. Permission was then granted for an extension for a further 8-year occupation of the mobile home under reference 9/2010/0994.

This application is for the erection of a new permanent agricultural workers dwelling and to be sited on an area of land adjacent to that currently occupied by the mobile home. The proposed two storey dwelling would have three bedrooms, with a lounge, kitchen, dining area, utility and office/study on the ground floor.

The proposal for a permanent rural workers' dwelling is to be assessed against Policy H25. The site lies outside of settlement boundary as defined by Policy SDT1. Policy H25 supports permanent rural workers' dwellings outside of the settlement boundary where it can be demonstrated that:

- i) there is an established existing essential need for an additional worker's dwelling to support a rural based activity; and
- ii) the rural-based activity has been established, is economically sustainable and has the prospect of remaining so; and
- iii) the essential need cannot be fulfilled by an existing dwelling within the locality.

In regards to the existing essential need for a worker's dwelling, the applicant has submitted detailed

supporting information in regards to the number of cattle and the size of the enterprise. Calving of cows year-round is regarded by the Council's Agricultural Consultant to constitute an essential functional need for the welfare of the livestock and the viability of the business. The number of calving occurrences suggest that there is a full-time requirement to be present on the site overnight to attend to the stock giving birth. From this, it is considered that the dairy unit is of sufficient scale to warrant a permanent dwelling on site, with there being an essential functional need. Furthermore, whilst the beef cattle, calves and the arable enterprises do not require an essential 24 hour attendance, they do contribute to the functional need for full-time labour during the normal agricultural working day.

The applicant has also submitted supporting financial information of their business accounts from the last 3 years; in order to justify the viability of the business as a rural enterprise and their growing need for a permanent workers dwelling to support the business on site. Having reviewed the information submitted the Council's Agricultural Consultant considers that the financial accounts show healthy profits despite lower than average milk returns. Livestock sales are good and fixed costs are held low with low depreciation and finance charges. This is a financially successful business which is sustainable.

In addition, it is considered that the taxable profits are sufficient to fund a rural worker's dwelling. A conservative build cost would be £150,000 to £180,000 to build a typical rural worker's dwelling (circa 150m² at £1,000 to £1,200/m²). It is noted that the proposed dwelling is 180m², which would be considered large for a rural worker's needs and require even greater funds. It has been calculated that the interest (3%) and repayments over 25 years would be between £9,600 and £11,520 per annum.

The interest charges and repayments would therefore be easily accommodated by the business profits, and allow enough for drawings to live, investment in the business and the running costs of the house. It is therefore considered that the business would have no problem financing the interest and repayments of such a dwelling based on the taxable income the business is generating, and the new dwelling would not jeopardise the viability and long term future of the business.

Whilst no alternative dwellings were suggested in the Statement of Agricultural Need, it is considered that there would be no alternative dwellings elsewhere, as the functional requirement is to serve an on-site presence and the farm is well separated from Repton and Milton. As such, it is considered that the proposal would comply with the requirements of Policy H25.

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	30/04/2021
Report agreed:	03/05/2021
Authorised officer:	Steffan Saunders
