
Delegated report Officer: James Norton

Application ref. DMPA/2020/1135

Outline application (matters of access, layout and scale to be considered now with matters of appearance and landscaping reserved for later consideration) for the erection of an agricultural dwelling at Land at SK1832 2627, Breach Lane, Foston, DE6 5HH

Valid date: 16/02/2021

Consults expired: 06/04/2021

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

9/2005/0708 - The erection of a storage building - approved

9/2015/0667 - The erection of a general purpose agricultural building - Approved

9/2018/1082 - Prior notification for the extension of a steel framed and clad building - Refused

Responses to consultations and publicity

County Highways - No objection in principle subject to conditions relating to visibility sightlines, maintenance of fence height and parking provision.

Environmental Health - No objection in principle but recommends conditions relating to contamination due to previous and existing use of the land.

ADAS - provided an initial response requesting addition information relating to justification of need and asked for:

Details of the applicant's landholding,

Full description of agricultural activities undertaken on site,

Details of the workers employed by the business,

Details of existing dwellings on the site where the agricultural workers dwelling is proposed,

Details of any dwellings owned or sold by the applicant within the past 5 years which are located off the proposed site but within a 5 mile radius,

The location and nature of occupation of any dwellings occupied by workers employed by the business,

Financial details of the business for which the proposed dwelling is required. Please note that for

existing enterprises this will require the submission of the most recent three years' accounts,

Additionally, if the application for an agricultural workers dwelling is outline only, a justification as to why the applicant chose to apply for outline permission rather than for full planning permission would also be helpful.

DCC Archaeologist - The proposal site has an entry on Derbyshire HER for ridge and furrow earthworks (MDR8165) but on inspection of recent aerial photographs this appears to have been ploughed out. I therefore have no archaeological concerns about these proposals.

No response received from the Parish Council and no neighbour representations received at the time of writing this report.

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), SD1 (Amenity and Environmental Quality), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated

Land and Mining legacy Issues), BNE1 (Design Excellence), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport),

- Local Plan Part 2 (LP2) –SDT1 (Settlement Boundaries and Development), H25 (Rural Workers Dwellings), BNE5 (Development in Rural Areas) BNE7 (Trees, Woodland and Hedgerows)

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (Design SPD)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Nationally Described Spatial Standards 2015

The relevant legislation is:

- The Town and Country Planning Act 1990
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Planning considerations

Taking into account the application made, 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:

- The principle of the development – the erection of an agricultural workers dwelling
- Impact of the development on local character.
- Impact of the development on highways safety.
- Impact of the development on residential amenity.
- Impact of the development on trees, hedgerows and landscaping.
- Impact of the development on pollution/contamination.

Planning assessment

The principle of the development – the erection of an agricultural workers dwelling

The site lies in a rural and open countryside area, nearby but not adjacent to Foston which itself does not have a settlement boundary and within the Hilton policy map area. The proposal is to create a permanent agricultural workers' dwelling. The most applicable policies to consider are S1, S4 and H1 of the LP1 and SDT1, H25 and BNE5 of the LP2.

Policy H1 states that *'The Settlement Hierarchy is based on the range of services and facilities that are offered by each settlement. The level of development for each settlement will be of a scale appropriate to the size and role of that settlement. As planning applications are received the merits of each individual site will be assessed through the Development Management process.'*

5. Rural Areas – areas outside of the defined settlements listed above.

Due to the lack of services and facilities and defined settlement boundaries, only development of limited infill and conversions of existing buildings will be acceptable.'

Further to this policy SDT1 of the LP2 states '*Outside of settlement boundaries and allocated sites, within the Rural Areas as defined in Policy H1, development will be limited to that considered acceptable inter alia by Policy BNE5*'.

Policy BNE5 of the LP2 states '*Outside of settlement boundaries (as defined in policy SDT1) within the Rural Areas of the district planning permission will be granted where the development is:*

- i) Allowed for by policies H1, H22, E7, INF10, H24, H25, H26, H27 or H28; and*
- v) will not unduly impact on: landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets.'*

Policy H25 of the LP2 states '*Permanent Rural Workers' Dwellings*

A. Outside settlement boundaries planning permission will be granted for a new permanent rural workers dwelling 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.*

B Where the permanent need is demonstrated the dwelling should whenever possible be well related to existing farm buildings or other dwellings, being designed as to minimise visual intrusion on the landscape.

C Where permission is granted under this policy a condition will be imposed which limits occupation of the dwelling to a person solely, mainly or last working in a local rural enterprise, or a widow, widower or resident dependants of such a person.'

Submitted in support of this application is an Agricultural Appraisal of the business setting out the need for the permanent agricultural dwelling at this location. Whilst relatively comprehensive, ADAS required further information to establish need and requested this information. Further information has been provided but no supplementary response has been provided to date confirming that the information is sufficient to demonstrate need. However, in terms of what had already been provided and what has been submitted in addition, the information appears to address the points of concern. The business rears around 150 cattle and around 120 ewes on land in and around this location and the number of standard man hours, and type of agricultural business is such that being close to the business has been demonstrated as essential to support the existing growing business in this location sufficient to satisfy H25 and BNE5.

Impact of the development on local character.

The most applicable policies to consider are S1, SD1 and BNE1 of the LP1, H25 and BNE5 of the LP2 and the Design SPD. These policies ensure that development is of suitable, high quality design that reflects and responds to the character of the area in which it is situated.

As per policy H25, if a permanent need is established (see previous section) it needs to be demonstrated whenever possible be well related to existing farm buildings or other dwellings, being designed as to minimise visual intrusion on the landscape. The proposed dwelling is located on the east side of Breach Lane adjacent to the access for agricultural building. The proposed dwelling could therefore be considered to be well related to the existing agricultural building. The proposed site is part of the agricultural holding and is bounded by a mature hedgerow, some of which would be lost to facilitate the required visibility splay required by the Highway Authority. Nonetheless, this would be minor as the access for the residential dwelling would be onto the existing agricultural building's existing track and therefore only a widening of the existing access would occur.

Impact of the development on highways safety.

The most applicable policies and guidance to consider are S1, S6, SD1, BNE1 and INF2 of the LP1 and the Design SPD. Between them seek that new development provide safe access and egress onto the highway, sufficient parking and manoeuvring space etc. The policies also seek to promote development within sustainable locations with existing highways infrastructure and access to public transport/pedestrian/cycle routes.

It is proposed that the access to the dwelling will be taken from the existing access to the agricultural building with a new driveway spur and turning head proposed within the site. The driveway leads to a double garage. Whilst the general layout is sufficient to demonstrate sufficient parking is provided they are insufficient to determine the internal size of the garages as to whether they are large enough to be used as parking spaces. additional detail will be required under 'appearance at reserved matter stage. However, there appears to be sufficient hardstanding set out on the plan to accommodate three cars. CHA have reviewed the proposals raise no objection to the development subject to conditions. They consider that there is adequate space on site for parking and turning areas to allow vehicles to exit in forward gear and that a condition to provide enhanced visibility splays is sufficient to satisfy INF2.

Impact of the development on residential amenity.

The most applicable policies to consider are SD1 and BNE1 of the LP1 and the Design SPD which between them seek that new development does not cause detrimental impacts on residential amenity and where impacts are anticipated then mitigation must be provided. Due to the siting of the dwelling in a rural area and the distance from nearby residential form, no impacts on residential amenity are expected as a result of this development.

Impact of the development on hedgerows and landscaping.

The most applicable policies are BNE1, BNE2, BNE4 and SD1 of the LP1 and BNE5 and BNE7 of the LP2. There are no trees affected by the proposal and the hedgerow on the eastern side of Breach Lane is the only hedgerow that would be affected. A small section would need to be removed to achieve the visibility splays. Landscaping is a reserved matter and therefore conditions can be imposed at Reserved Matters stage to assist in the screening and softening of the building in this location.

Impact of the development on pollution/contamination

The previous uses of the site include land fill as well as agriculture. The most applicable policies to consider are SD1, SD4 and BNE1 of the LP1. The application has been reviewed by SDDC Environmental Health who does not raise any objection to the development subject to conditions relating to the control of contamination. This would be a pre-commencement condition and therefore no works could take place prior to the preparation of a scheme to identify and control any contamination on the land.

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:	11/03/2022
Report agreed:	13/03/2022
Authorised officer:	Steffan Saunders
