

Proposed agricultural workers dwelling (outline - means of access for approval)

Report Item No
A1

Barn Farm Babelake Street Packington Ashby De La Zouch
Leicestershire LE65 1WD

Application Reference
17/01237/OUT

Applicant:
Wathes

Date Registered:
25 August 2017

Case Officer:
Adam Mellor

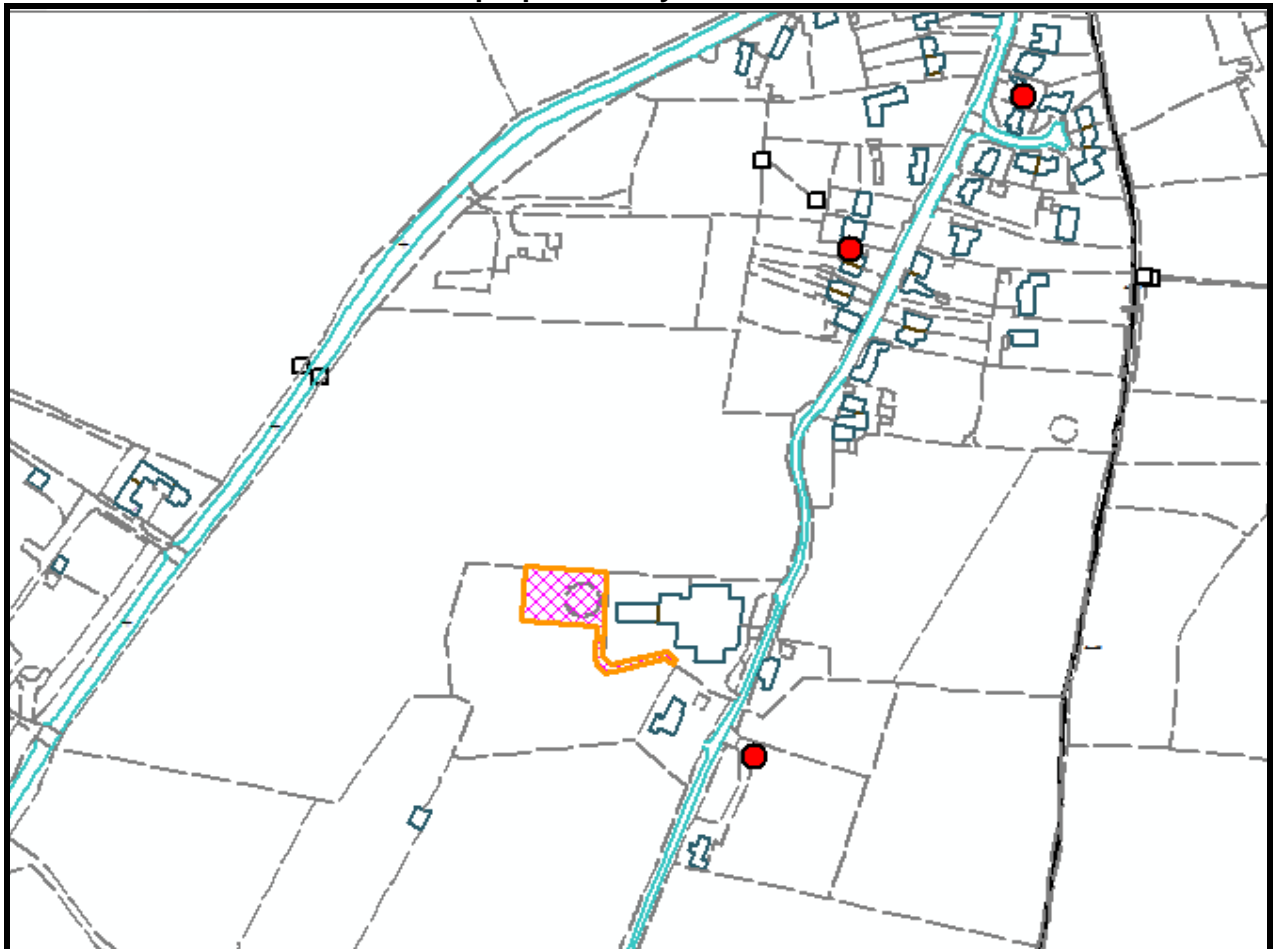
Consultation Expiry:
17 November 2017

Recommendation:
REFUSE

8 Week Date:
20 October 2017

Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the planning agent is related to a former councillor who has served within the last five years.

Proposal

Outline planning permission is sought for the erection of an agricultural workers dwelling at Barn Farm, Babelake Street, Packington with the means of access for approval at this stage. The 0.12 hectare sized site is situated on the western side of Babelake Street and is outside the defined Limits to Development.

Consultations

Ten representations have been received from third parties which support the development proposals. Packington Parish Council have raised no objections. All other statutory consultees, with the exception of the Environment Agency, Natural England and Severn Trent Water whose comments are awaited, have raised no objections subject to the imposition of conditions on any consent granted.

Planning Policy

The application site is outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan (2017). The application has also been assessed against the relevant policies in the adopted Local Plan (2017), the NPPF and other relevant guidance.

Conclusion

It is considered that there is no agricultural justification for a permanent workers dwelling on the site and therefore compliance with criteria (a) of Policy S3 of the adopted Local Plan would not be achieved. On this basis the proposal can only be considered as a dwelling to which there are no special circumstances attached.

The application site is a greenfield site situated outside the defined Limits to Development with the proposed development adversely affecting and diminishing the present open character of the environment in which it would be set, and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. As a result of this the development would fail to protect or enhance the natural environment, contrary to the environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, and Policies S2 and S3 of the adopted Local Plan. Furthermore Policy S2 of the adopted Local Plan identifies that in Packington the limited amount of growth which would take place will be within the Limits to Development. It is also the case that the economic viability of the farming enterprise which is undertaken would be significantly compromised by the construction of a dwelling which could not be sustained by the business at this time. The proposal would therefore not be economically sustainable.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This application was due to be reported to the Planning Committee in December but was withdrawn from the agenda due to the receipt of additional information from the planning agent on the day of the Planning Committee which needed further consideration. This additional information included that the applicant is not required to vacate their family home to allow their son to take-over the agricultural enterprise, where there is a requirement for a dwelling it should be within sight and sound of the holding, a pragmatic approach should be taken to assessing these types of application given that Planning Policy Statement 7 (PPS 7) has been revoked, there is a functional need for a full-time worker and that there is no alternative accommodation available within Packington which would meet the needs of the applicant's son.

Outline planning permission is sought for the erection of an agricultural workers dwelling with means of access for approval at Barn Farm, Babelake Street, Packington. The 0.12 hectare sized site is situated on the western side of Babelake Street and is outside the defined Limits to Development. The surrounding area is predominately rural in nature, being defined by open countryside and paddocks, with the main settlement of Packington being to the north east.

A previous outline application for the erection of one self-build dwelling was refused by the Planning Committee on the 7th June 2017 under application reference 17/00284/OUT. The reasons for refusal were based on the site being outside the defined Limits to Development as well as design implications associated with the provision of a cramped and constrained form of development that was discordant and incongruous with the pattern of development on Babelake Street given the spaciousness afforded to dwellings.

This revised application now seeks outline planning permission for the erection of an agricultural workers dwelling which, on the basis of the indicative layout plan, would be set to the north-west of Barn Farm Bungalow and to the immediate west of the existing agricultural buildings on the site. Also whilst scale is not for approval at this stage the indicative elevation detail suggests that the dwelling would be two-storey in height.

In respect of vehicular access this would be gained via an existing agricultural access off Babelake Street with two off-street parking places being provided externally. Manoeuvring facilities would also be accommodated within the site.

In order to support the agricultural justification for the dwelling a farm business appraisal and financial test statement have been submitted. A design and access statement and River Mease SAC statement have also been submitted in support of the application. During the course of the application additional information has been submitted by the applicant in respect of the agricultural business which is to be undertaken.

The only other recent application was associated with an agricultural prior notification for the erection of an agricultural storage building (ref: 14/00270/AGP) where no objections were raised on the 23rd April 2014.

2. Publicity

9 neighbours have been notified.

Site Notice displayed 17 September 2017.

Press Notice published Leicester Mercury 20 September 2017.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

NWLDC - Independent Agricultural Planning Advisor - Mr A Coombe advises that there is no functional need or financial justification for an agricultural workers dwelling on the site.

Environment Agency no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

Leicestershire County Council - Archaeology has no objections.

Leicestershire County Council - Ecology has no objections subject to conditions.

Leicestershire County Council - Highways Authority has no objections subject to their standing advice being considered.

Natural England no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

NWLDC - Environmental Protection has no objections.

Packington Parish Council has no objections.

Severn Trent Water no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

Third Party Representations

Ten representations have been received from third parties which support the proposal with the comments raised summarised as follows: -

- Barn Farm is a family run business that has been a viable and sustainable business for over a hundred years.
- The farm provides services and produce for many other local businesses and as a rural business it should be supported and encouraged to grow.
- The farm has maintained growth over the years by investing in plant and livestock and in order to sustain the growth it is imperative that the applicant's son is present on the site at all times.
- The siting of the dwelling will fit well with the existing farm buildings whilst still allowing the subsequent growth of the farming business.
- The applicants are looking to rent land from other farms in the area due to the substantial growth in their business.
- This proposal will not result in the loss of productive agricultural land in the same way that conversion of agricultural buildings on other sites on Babelake Street has done.

- The applicants cannot be expected to move from their family home on retirement.
- It is important that the applicant lives close to their stock so to look after them properly.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraph 17 (Core planning principles);
Paragraph 28 (Supporting a prosperous rural economy);
Paragraphs 32, 34 and 39 (Promoting sustainable transport);
Paragraphs 49, 50 and 55 (Delivering a wide choice of high quality homes);
Paragraphs 57, 60, 61 and 64 (Requiring good design);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 118, 120 and 121 (Conserving and enhancing the natural environment);
Paragraph 141 (Conserving and enhancing the historic environment); and
Paragraphs 203 and 206 (Planning conditions and obligations).

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En2 - River Mease Special Area of Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document - April 2017.

6Cs Design Guide (Leicestershire County Council).

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

**Self-Build and Custom Housebuilding Act 2015.
Housing and Planning Act 2016.
River Mease Water Quality Management Plan - August 2011.
The River Mease Developer Contributions Scheme (DCS).**

5. Assessment

Principle of Development and Sustainability

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2017) which was adopted by Full Council on the 21st November 2017.

The application site lies outside the defined Limits to Development within the adopted Local Plan, with new dwellings not being a form of development permitted in the countryside by Policy S3. It is, however, recognised that Policy S3 does support agricultural development including agricultural workers dwellings (criteria (a)). Policy S2 of the adopted Local Plan also advises that Packington is a Sustainable Village where the limited amount of growth which will take place will be within the defined Limits to Development. In a recent appeal decision at Normanton Road, Packington (Application Reference: 15/010501/OUT and Appeal Reference: APP/G2435/W/17/3168722) the Inspector did not consider there was a current or pressing need for the Council to review the Limits to Development as outlined in the adopted Local Plan.

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Council is able to demonstrate a five year supply of housing (with 20% buffer) against the housing requirements contained in the adopted Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

In terms of social sustainability Packington provides a range of day to day facilities, e.g. a primary school, shop, church, village hall, a public house, play area/recreation ground and some small-scale employment sites. Ashby De La Zouch is also located around 1.7km from the site, where a wider range of services can be found. Whilst there is no footway along this part of Babelake Street, it has a relatively low traffic flow with verges and footways being available further along the road. Furthermore, there are several public footpaths leading off the road linking to the village and National Forest plantations, and the road is used by cyclists, walkers and horse riders from the nearby Champneys Spa and stables. On this basis there are opportunities to walk to the village from the site along a route which is already in use by pedestrians and other non-car users. Therefore, it is considered that occupiers of the dwelling would not necessarily be dependent on the private car in order to access basic services with the proposed dwelling assisting in sustaining the available services in the village which is a key intention of Paragraphs 28 and 55 of the NPPF.

From an environmental sustainability perspective it is noted that the application site is agricultural land which would be classed as greenfield land. The site is also outside the defined Limits to Development on the Proposals Map to the adopted Local Plan and would therefore be assessed against the criteria of Policy S3 of the adopted Local Plan. Such a policy is considered to be supported by the principles of the NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

As outlined above the proposed development would result in the loss of agricultural land. Best and Most Versatile (BMV) agricultural land is defined as that falling within Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The ALC maps indicate that the site falls within Classes 2 (Very Good) and 3 (Good to Moderate) and whilst the NPPF does not suggest that the release of a smaller BMV site is acceptable, the magnitude of loss of agricultural land is considered to be low where less than 20 hectares of BMV would be lost. Therefore, given the relatively limited extent of the potential loss of the site (0.12 hectares), it is considered that this is not sufficient to sustain a reason for refusal against Paragraph 112 of the NPPF in this case.

In the assessment of the previous application at Barn Farm (reference 17/00284/OUT) it was highlighted that the proposal dwelling was not an "*agriculturally tied dwelling*" and as such no consideration was given to this matter in the assessment of that application. However, this application now proposes the provision of an agricultural workers dwelling and in the context of Policy S3 of the adopted Local Plan it is acknowledged that criteria (a) would support the provision of such a dwelling outside the defined Limits subject to the compliance with criteria (i) to (vi) outlined in this Policy. Paragraph 55 of the NPPF also highlights that 'isolated' dwellings should be avoided in the countryside unless there are special circumstances such as "*the essential need for a rural worker to live permanently at or near their place of work in the countryside.*"

To support the application a farm business appraisal and financial test statement have been submitted which indicate that the farming operation undertaken relates to livestock (both cattle and sheep) and that three partners are currently involved in the agricultural business (the applicant's and their son) who own 100 acres of land (80 acres owned by the farming partnership and the other 20 acres let under a 1986 Agricultural Holdings Act Tenancy). All partners are employed part time in the business but due to the imminent retirement of the applicant's their son will take up working full time in the business subject to accommodation being available.

Stocking levels on the farm as of the 3rd November 2017 are stated by the planning agent to be as follows: -

- 240 breeding ewes;
- 8 rams/teasers;
- 150 ewe lambs;
- 150 store lambs to be sold in early spring (aged 6 - 7 months); and
- 40 bucket reared calves.

It is also the case that the farming enterprise has acquired an additional 27 acres of land and that by 2018/2019 the flock of sheep will be increased to 340 breeding sheep which will graze on the additional land. The planning agent has also recently stated that the agricultural unit has been accepted onto DEFRA's TB isolation unit scheme and therefore all subsequent cattle reared at the holding will achieve TB free status. The first cattle to benefit from this status will be arriving on the holding in January/February 2018.

It has also been highlighted that the existing dwelling on the site (Barn Farm Bungalow) could not be utilised by the applicant's son as following their retirement the applicant's would remain in this property and therefore the planning agent has highlighted that regard should be had to two high court decisions (Keen vs Secretary of State [1996] 71 P. & C.R. 543 and JR Cussons vs The Secretary of State [2008] EWHC 443 (Admin)) which have held that it is the right of an existing occupant to remain in their family home and that it is unreasonable to require them to vacate it or share it with another family, the Keen case concluding that: *"it was unreasonable and/or perverse for the Inspector to conclude that the admitted and identified need for accommodation for a full time stockman should be met by the appellant and his wife moving out of the matrimonial home to give it over to that worker or sharing the home with that worker and any family that he or she might have."*

As part of the consideration of the application the Council has engaged an Independent Agricultural Planning Advisor (IAPA) to review the submitted information, including that which has been provided by the agent during the course of the application, and has made an assessment based on guidance contained within the NPPF as well as Annex A of Planning Policy Statement 7 (PPS7) which, whilst superseded by the guidance contained within the NPPF, still acts as a relevant and useful guide in assessing the need for an agricultural workers dwelling (previously assessed in Paragraph 3 of the above Annex). The reports prepared by the IAPA have concluded the following: -

"Paragraph 3 (i) of the Annex indicates there needs to be a clearly established existing functional need" - IAPA calculates that the standard labour requirement for the livestock would be less than one full-time person, and 1.1 full-time persons allowing for the proposed T.B. isolation unit in the future."

"Paragraph 3 (ii) of the Annex states "The need relates to a full-time worker, or one who is primarily employed in agriculture, and does not relate to part-time requirement." - IAPA states as the unit is part-time and will remain part time, the proposed standard labour requirement being less than a full-time worker, this criteria is not satisfied."

"Paragraph 3 (iii) of the Annex states "The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so" - IAPA states the proposed agricultural dwelling must be financed by the farming enterprise after the deduction of all costs including labour and a notional rent on the owned land. For a permanent dwelling on a holding the farming enterprise is required to have been established for at least three years, and have been profitable in at least one of the last three years, and that profit must be capable of paying a mortgage on the cost of the proposed dwelling after the deduction of all other costs such as labour, and rent etc, irrespective of what funds the applicant has available from any other source. The profit in the year ended 31st March 2017 in this case is only capable of paying almost the minimum wage for the person Mr Large maintains is full-time. It could not sustain the cost of the proposed dwelling, or a notional rent on the owned land. The enterprise is therefore financially unviable."

"Paragraph 3 (iv) of the Annex states "The functional need could not be fulfilled by another existing dwelling on the unit, or any other accommodation in the area which is suitable and available for occupation by the workers concerned" - IAPA states the existing dwelling known as Barn Farm Bungalow is occupied by the applicant's who are due to retire from the farm business and intend to continue to reside in the existing dwelling. I accept that if they do retire from the farm business than Barn Farm Bungalow although it is suitable would not be available in accordance with the Keen case. I therefore consider that the limited essential need/functional

need for a part-time worker could not be fulfilled by Barn Farm Bungalow as although suitable it would not be available. There are 11 dwellings available to buy and one to rent within the village of Packington at the moment one of which is only £50,000 more expensive than building a dwelling on the holding. The cost of a dwelling within the area which is not subject to an agricultural occupancy condition does not have to be sustained by the farming enterprise as is the case for an agriculturally tied dwelling on the farm."

"Paragraph 3 (v) of the Annex states "Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied" - IAPA considers this is a planning criteria, and it will not affect the agricultural needs of the unit."

In conclusion the IAPA advised that *"there is no agricultural support for the proposed new dwelling as the holding is currently part-time, and is unable to sustain the cost of the proposed dwelling in the long-term. In addition, there are dwellings in the village of Packington on the market for sale or to rent which are both suitable and available, and capable of fulfilling the existing essential/functional needs of this enterprise."* It has also been stated by the IAPA that *"the projected income for future years on the proposed system of farming is not relevant to an application for a permanent dwelling, as these applications are assessed on past performance, not on budgets and projections which are only accepted in applications for temporary dwellings for temporary periods under paragraph 12(iii) of Annex A to PPS7,"* and that *"I do not accept that a part-time holding which is unable to sustain the cost of the proposed new dwelling can justify a permanent dwelling at this time. I consider the current application is clearly premature, and any agricultural need should be established on the holding for a period of three years, to show the holding to be financially viable, and capable of sustaining the cost of the proposed new dwelling before any application for a permanent dwelling is approved."*

The planning agent has stated that in respect of the particular points raised by the IAPA, namely (i), (ii) and (iv), there are no dwellings within Packington for sale or let which would be commensurate with the needs of the applicant (a four bed dwelling of around 180 square metres) and that the dwelling would be a self-build project which would reduce the cost in comparison to buying an existing dwelling, it is also stated that the dwelling should be within sight and sound of the farmstead. The planning agent also remains of the view that there is a functional need for a full-time worker due to the calculations of the IAPA suggesting that the requirement would be 0.99 of a full-time person (although this is not stated by the IAPA) and 1.11 with the TB isolation unit being established.

Turning to the matter associated with the dwelling being within 'sight and sound' of the holding the IAPA in their most recent correspondence (4th December 2017) has stated that there is no guidance which requires a dwelling to be within 'sight and sound' of the holding with many recent appeal decisions concluding this to be the case. Whilst it is the view of the planning agent that horses are not livestock, and therefore those appeal decisions which have concluded that a dwelling would not be required to be within 'sight and sound' of the holding are not strictly relevant, the IAPA disagrees with this view as often it is demonstrated that there is an essential/functional need for a full-time worker to live on a holding where horses are present. The evidence in this respect is therefore inconclusive but a material consideration in this application is that the applicants would continue to reside on the site and although not necessarily fully engaged in the business in the near future would remain in 'sight and sound' of the holding and therefore in a position to inform the occupant of the proposed dwelling (their son) of any issues which may arise. Modern technology would also allow for the monitoring of livestock within the buildings so that circumstances where livestock may go into labour during periods where the farm worker may not be present on the site could be monitored accordingly. On this basis there is no essential need for the proposed dwelling to be within 'sight and sound'

of the holding.

In respect of potential alternative accommodation for the applicant's son it is considered that on the basis of a Rightmove search on the 19th December 2017 there were 15 4+ bedroom properties for sale in Packington with the cheapest being a 5 bed detached dwelling on Bridge Street, Packington at a cost of £330,000. Information submitted by the planning agent has outlined that no dwelling available in the settlement would meet the needs of the applicant, however, the size of the property on Bridge Street, being around 150 square metres of floor space, would not be significantly smaller than the 180 square metre floor area of the proposed property. In any event it is the conclusion of the IAPA that there is no industry standard for a dwelling for a farm worker with an assessment being based on that which the farming enterprise can sustain. Although accepting that the cost of an existing dwelling would be more significant than that of a new build, including one which may be self built, it is the circumstances that any new dwelling would need to be funded by the farming enterprise whereas any existing property could be funded by equity from the applicant and in this respect the information from the planning agent would suggest equity available to the applicant, and his son, would be in excess of £430,000 which would therefore allow for the purchase of an existing property within Packington.

In assessing the information, including the additional details, which have been submitted it is now concluded that there is a functional need for a full-time agricultural worker in connection with the holding given that the IAPA has indicated that the requirement would be 0.98 of a full-time agricultural worker (excluding the TB isolation unit). No further information has been received from the IAPA to dispute this conclusion. Whilst a functional need is demonstrated it is concluded that there is no requirement for the full-time worker to be within 'sight and sound' of the holding nor is essential that a new dwelling is built to house this worker given the availability of properties within Packington.

In any event the functional need is only one side of the assessment with a financial test also being of importance and in this respect the former PPS 7 stated: *"New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for the purpose, and to provide evidence of the size of a dwelling which the unit can sustain."* Whilst the business has seen a steady increase in profits since 2015 (the start of the financial figures which have been provided) the level of profit would only cover the minimum wage paid to a worker and consequently would not be at a level which would sustain the cost of a dwelling of the scale identified (even as a 'self-build' project) without substantially undermining the viability of the agricultural enterprise. In this respect, and as considered above, the application for a permanent agricultural workers dwelling on the site appears premature. Given such a circumstance it would usually be the case that an applicant would seek a temporary permission for a unit on the site which could be lived in until such time as it was demonstrated that the profits of the enterprise could sustain the cost of a permanent dwelling but no such case has been submitted in this instance. It is, however, noted that the applicant's son has advised that temporary accommodation would not be feasible given that he has three young children one of which has a serious health condition. Whilst sympathetic to this situation, personal circumstances rarely outweigh material planning considerations particularly in the context that the scale of the dwelling proposed to be constructed would currently seriously undermine the viability of the agricultural enterprise. It is also considered that the applicant, and their son, have sufficient equity to purchase a property within the settlement of Packington which would meet their needs and which would not need to be funded by the farming enterprise.

Whilst there is no reference in the adopted Local Plan to self-build dwellings, there is policy support for such dwellings in the NPPF, and also in the Self-Build and Custom Housebuilding

Act 2015, and the Housing and Planning Act 2016. There are currently 62 people on the Council's self-build register with it being noted that the applicants have not registered an interest in such a project. One self-build dwelling has been granted in the Packington area to date. Given the above it is recognised that a self-build dwelling would provide social and economic benefits, although given that only one such dwelling is proposed, these benefits would be limited. Furthermore in the overall economic balance it is considered that the undermining of the farming enterprise in order to fund the construction of the agricultural workers dwelling which could not be sustained by the farming enterprise at this time would not weigh in favour of the development being sustainable and would significantly outweigh the aspect of the dwelling being a self-build project.

On the basis of the above, there is currently no justification for a permanent agricultural workers dwelling on the site and therefore the proposal would not accord with criteria (a) of Policy S3 of the submitted Local Plan or Paragraph 55 of the NPPF.

It would also be important to assess the implications the development would have on the rural landscape and in this respect Paragraph 17 of the NPPF highlights that planning decisions should seek to "*recognise the intrinsic character and beauty of the countryside.*" The environmental role of sustainability should also contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, help to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy. Such sentiments are echoed in Policy S3 of the adopted Local Plan.

The proposed site would be detached from the Limits to Development and comprises an agricultural field which is visually linked with further agricultural land beyond its northern, southern and western boundaries with such boundaries being predominately defined by low level hedges and post and wire fencing (mature trees are also present to the northern boundary). This open and undeveloped environment is considered to be its defining characteristic and therefore contributes positively to the character and appearance of the local landscape. Whilst set in close proximity to the existing agricultural buildings a residential development, combined with its associated infrastructure, would diminish this present open character by urbanising the site and would represent an incongruous encroachment into the rural environment particularly given that the western side of Babelake Street remains largely undeveloped and the development in itself would extend the extent of the current built environment further in a western direction away from the highway. The development would also be prominent when viewed from public footpath O66, set to the north of the site, particularly given the gaps in the boundary vegetation which exist and this would further compound its visual implications to the undeveloped and open nature of the surrounding rural environment.

Whilst the harm identified above could have been outweighed by the need for an agricultural workers dwelling on the site in the absence of any justification for this, as concluded above, the proposal can only be considered as a dwelling with no associated benefits for the purposes of this assessment.

The agent has stated that the applicant has a strong local connection with Packington and therefore the dwelling would meet a 'Local Need', there are no policies within the NPPF or adopted Local Plan which would attach any weight to a potential 'Local Need' for dwellings. As a consequence no consideration is given to this matter in the assessment particularly given the conflict with National and Local Plan policies as set out above.

To conclude, as the site is outside the defined Limits to Development the development would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the submitted Local Plan. Furthermore, as set out above, significant harm would arise from the impact on the rural character and visual amenities of the countryside which would conflict with Policy S3 of the adopted Local Plan as well as a fundamental principle of the NPPF by virtue of its failure to protect or enhance the natural environment. It is also the case that, at this time, the economic viability of the farming enterprise would be significantly compromised by the construction of a dwelling which could not be sustained by the enterprise. The resulting environmental and economic harm from these impacts would significantly and demonstrably outweigh the social and economic benefits associated with the provision of a self-build dwelling. Therefore it is considered, overall, that the proposal does not constitute sustainable development.

Impact on the Character and Appearance of the Streetscape and Density

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1, as well as the Council's Adopted Good Design for NWLDC SPD, but also Paragraphs 57, 60 and 61 of the NPPF.

At present the application site is an open agricultural field with land levels which rise from east to west and south to north. The western side of Babelake Street beyond Barn Farm remains largely undeveloped with the equestrian uses which exist, and only other existing dwelling (no. 43), being contained to the eastern side of the highway. Barn Farm Bungalow and no. 43 Babelake Street both present their principal elevations to the highway but are set at differing proximities to Babelake Street.

Layout was submitted for approval under application reference 17/00284/OUT but as part of the consideration of this application this matter is reserved, as such only the principle of development (as discussed above) and vehicular access (as discussed below) are for consideration.

As outlined above both Barn Farm Bungalow and no. 43 Babelake Street are orientated to address the highway, as would the dwelling to be constructed under application references 16/00612/OUT and 17/00174/REM on the opposite side of Babelake Street, but their proximity to the highway varies. In terms of the application site it would be detached from the highway, given its setting to the west of the existing agricultural buildings, and whilst this is the case it is considered that the differing proximity of dwellings to Babelake Street in the area would ensure that this position would not have a sufficiently detrimental impact on the character and appearance of the streetscape as to warrant a refusal of the application.

In respect of the indicative layout this identifies that the dwelling would be orientated so as to present its principal (front) elevation to the south rather than towards the highway which is the general characteristic of dwellings in the area. Whilst set in close proximity to the agricultural buildings there would appear to be no reason as to why the dwelling could not be orientated in a manner which would be consistent with the established character of the streetscape but as the layout is not for approval at this stage it is considered that such an issue would be addressed in the assessment of any reserved matters application should outline consent be granted.

Application reference 17/00284/OUT was refused on design grounds on the basis that the size of the application site resulted in a density of development which was discordant and incongruous to the character and appearance of the streetscape due to a dwelling appearing cramped and constrained in relation to the spaciousness afforded to other properties on Babelake Street. The density of development proposed under application reference

17/00284/OUT was 20 dwellings per hectare, based on the site area of 0.05 hectares, and it is now proposed that the site area would be 0.12 hectares which would result in a density of development of 8.3 dwellings per hectare. It was outlined in the Committee report associated with 17/00284/OUT that Barn Farm Bungalow has a density of 10 dwellings per hectare, no. 43 Babelake Street has a density of 14.3 dwellings and the new dwelling on the eastern side of Babelake Street (permitted under application references 16/00612/OUT and 17/00174/REM) has a density of 5.2 dwellings per hectare. On the basis of the density now proposed it is considered that any dwelling progressed at the reserved matters stage, should outline permission be granted, would integrate into the environment in which it is set due to the spaciousness afforded to the plot.

With regards to the appearance of the dwelling this would be agreed at the reserved matters stage, should outline permission be granted, and at this point an appropriate design could be achieved which would accord with the Council's current design agenda by providing a scheme which responds to the positive characteristics of dwellings within the area.

Notwithstanding the principle objection to this proposal outlined above, it is considered that a suitable layout, scale and appearance of development could be progressed under a reserved matters application which would be compliant with the aims of Policy D1 of the adopted Local Plan as well as Paragraphs 57, 60 and 61 of the NPPF.

Accessibility

The County Highways Authority have raised no objections subject to their standing advice being considered.

The proposed vehicular access is situated on a relatively straight stretch of Babelake Street within a 30mph zone. It was previously outlined, in the consideration of application reference 17/00284/OUT, that the applicant's son is mainly responsible for the running of the farm and at present he has to travel between 2 to 3 times a day from his current residence in Donisthorpe in order to carry out this work. It is intended that the agricultural workers dwelling would house the applicant's son with the applicants remaining in their current property (Barn Farm) and assisting their son with the running of the farm. On this basis it is considered that any additional movements on Babelake Street from the new dwelling would be off-set by the removal of vehicle movements by the applicant's son between the site and Donisthorpe and consequently there would be no significant increase in vehicular movements on Babelake Street which would be considered to be of severe detriment to highway safety.

It is, however, acknowledged that the suitability of the proposal under application reference 16/00612/OUT (on the eastern side of Babelake Street) was on the basis that a condition was imposed to ensure that the dwelling was not severed from the use of the site for the keeping of horses in order to prevent an increase in vehicular movements. Given that the proposal relates to the provision of an agricultural workers dwelling it is considered that a similar condition could be imposed, should outline consent be granted, to tie the proposal to the existing farming operation on the site.

In respect of the access arrangements it is proposed that an existing access to the farmyard and agricultural buildings would be used to serve the dwelling. In order to make the access suitable for the movement of vehicles in connection with the dwelling and farming operation it is considered that there would need to be some alterations to its gradient and its width so as to ensure that vehicles could enter and exit the site in a slow and controlled manner as well as to ensure that vehicles could pass each other clear of the highway. It is considered that

improvements in this respect could be conditioned with the increase in the width not resulting in the provision of an over-engineered access given that it would be unlikely to impact on the existing roadside vegetation. The vehicular access, as it exists, also has a sufficient level of visibility so as to ensure a vehicle could exit the site in a safe manner with the space available within the site ensuring that a vehicle could manoeuvre and exit the site in a forward direction.

On the basis that there would not be a severe impact on highway safety it is considered that the proposal accords with Policy IF4 of the adopted Local Plan and Paragraph 32 of the NPPF.

It is intended that the proposed dwelling would have four bedrooms and consequently it would be expected that a minimum of three off-street parking spaces should be provided. Whilst the indicative site layout plan only shows two off-street parking spaces it is considered that this layout is not for approval at this stage and therefore a relevant condition could be imposed indicating that a minimum of three off-street parking spaces would be required. This matter could then be given further consideration at the reserved matters stage, should outline permission be granted, when the layout was presented. Compliance with Policy IF7 of the adopted Local Plan and Paragraph 39 of the NPPF would therefore be achieved at that stage.

Neighbours and Future Occupants Amenities

An indicative layout plan has been supplied in support of the application which shows that the site is set to the north-west of Barn Farm (which is within the ownership of the applicants).

The indicative layout supplied outlines that the dwelling would be orientated so as to face in a southern direction and that it would be set over 55 metres from the north-western (rear) elevation of Barn Farm. Such a separation distance would ensure that no adverse overbearing or overshadowing impacts would arise to the amenities of Barn Farm. Even if the dwelling was to be orientated in a manner to reflect the design characteristics of the streetscape, i.e. principal (front) elevations faces Babelake Street, it remains the case that it would be not result in any adverse impacts to Barn Farm. The position of windows would be determined under any reserved matters application, should the outline application be supported, when the appearance and scale was known and at that stage it could be ensured that no adverse overlooking impacts would arise to Barn Farm.

In establishing an acceptable relationship with Barn Farm at the reserved matters stage it could also be ensured that the amenities of any future occupants are adequately protected with the separation distance identified above ensuring that no significant impacts are likely to arise in this respect.

The Council's Environmental Protection Team have raised no objections to the application and given the intended use of the dwelling for an agricultural worker, which would be conditioned accordingly on any permission granted, it is considered that any occupant would be familiar with the noise and smells associated with an agricultural operation and as such this relationship would not cause them any significant concern.

Overall, therefore, the development would accord with the principles of Policy D2 of the adopted Local Plan as well as Paragraph 123 of the NPPF.

Ecology

The application site is an agricultural field marked by ridge and furrow. This feature could be used by a European Protected Species (EPS) or national protected species. As EPS may be

affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

The County Council Ecologist has raised no objections as whilst they recognise that the agricultural land may be species rich the application site only relates to a small part of the overall field which lies in close proximity to the existing agricultural buildings and, as such, it is likely to be disturbed on a regular basis which impacts on its ecological value. On this basis the County Council Ecologist advises that a grassland or ecological survey would not be required in support of the application.

It has, however, been advised by the County Council Ecologist that a condition should be imposed to ensure that the hedge to the northern boundary of the site is retained given that it is a native-species hedgerow. The landscaping on the site would be a matter to be assessed at the reserved matters stage and consequently it would be ensured that the hedgerow is maintained as part of the consideration of such an application.

Overall the proposal would accord with Policy En1 of the adopted Local Plan as well as Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

Landscaping on the site is mainly confined to its boundaries and as such it could be ensured at the reserved matters stage that any layout of the development did not impact on the integrity of this existing landscaping. It would also be possible to secure additional planting as part of the landscaping proposals presented at the reserved matters stage should outline permission be granted.

On this basis the proposal would accord with Policies En1 and En3 of the adopted Local Plan.

Impact on the River Mease Special Area of Conservation SAC/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations and Paragraph 204 of the NPPF.

As the site is over 30 metres from the nearest public sewer and the applicant does not have permission to connect to a nearby private sewer, a package treatment plant is proposed to be utilised in connection with the dwelling which would discharge treated water into soakaways and would be required to be emptied once a year. The existing dwelling is served by a septic tank.

Natural England previously advised, in the consideration of application reference 17/00284/OUT, that the Council should satisfy itself that there would be no harmful discharges of foul or surface water from the site into the River Mease or its tributaries (which includes the

Gilwiskaw Brook). No representation has been received from the Environment Agency but it is noted that they did not object to the application associated with the dwelling constructed on the opposite side of Babelake Street (under application reference 16/00612/OUT) which proposed the use of a septic tank or cess-pool. The management of a package treatment plant would be dealt with by the Environment Agency as the 'competent authority' under the Environmental Permit system. Furthermore none of the Severn Trent Water (STW) treatment works in the SAC catchment area accept foul waste from licensed waste collectors, which STW have previously advised on and this arrangement is to continue in perpetuity. Given the distance from the site to the Gilwiskaw Brook (in excess of 232 metres) it is considered that the effluent discharged from the package treatment plant and any surface water drainage solution would not adversely impact on the SAC/SSSI. A condition could be imposed requiring discharge of surface water to a sustainable drainage system.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Archaeology

The County Council Archaeologist has raised no objections to the application and does not consider any archaeological investigations will be required. On the basis that archaeology would not act as a constraint on the development the proposal would accord with Policy He1 of the adopted Local Plan as well as Paragraph 141 of the NPPF.

Other Matters

The National Planning Practice Guidance (NPPG) sets out a hierarchy of preferred non-mains drainage solutions; firstly mains sewer, then a package treatment plant and lastly septic tanks, with no reference made to cesspools. The NPPG also advises that non-mains proposals should clearly set out the responsibility and means of operation and management of non-mains drainage systems, and the effects on amenity and traffic should be considered, due to the need for sludge to be removed by tankers, matters which also applicable to cesspools. Withdrawn Circular 03/99 also set out guidance for assessments of non-mains drainage proposals, which provides a useful tool. As identified above the proposed dwelling cannot connect to the mains sewer and consequently the second most preferable non-mains drainage solution (a package treatment plant) has been selected. It is considered that the use of such a system on this site would not set a precedent for non-mains drainage on other sites, given the circumstances, and consequently this solution would be acceptable.

Conclusion

It is considered that there is no agricultural justification for a permanent workers dwelling on the site and therefore compliance with criteria (a) of Policy S3 of the adopted Local Plan would not be achieved. On this basis the proposal can only be considered as a dwelling to which there are no special circumstances attached.

The application site is a greenfield site situated outside the defined Limits to Development with the proposed development adversely affecting and diminishing the present open character of the environment in which it would be set, and would represent an incongruous encroachment of development into the rural environment which should be protected for its own sake. As a result of this the development would fail to protect or enhance the natural environment, contrary to the

environmental strand of sustainability enshrined within the NPPF, as well as Paragraph 17 of the NPPF, and Policies S2 and S3 of the adopted Local Plan. Furthermore Policy S2 of the adopted Local Plan identifies that in Packington the limited amount of growth which would take place will be within the Limits to Development. It is also the case that the economic viability of the farming enterprise which is undertaken would be significantly compromised by the construction of a dwelling which could not be sustained by the business at this time. The proposal would therefore not be economically sustainable.

It is therefore recommended that the application be refused.

RECOMMENDATION - REFUSE, for the following reason;

- 1 Policy S2 of the adopted North West Leicestershire Local Plan (2017) outlines that whilst Packington is a Sustainable Village the limited amount of growth that is to take place will be within the Limits to Development. Policy S3 of the adopted North West Leicestershire Local Plan (2017) provides a presumption against residential development outside the Limits to Development, unless for special circumstances, with Paragraph 17 of the National Planning Policy Framework (NPPF) indicating that planning should recognise the intrinsic character and beauty of the countryside. Paragraph 7 of the NPPF also defines sustainable development which includes that the planning system needs to perform an environmental role by protecting and enhancing our natural environment and using natural resources prudently, amongst other things as well as an economic role by contributing to building a strong, responsive and competitive economy by, amongst other things, supporting growth and innovation at the right time. The proposed development being on a greenfield site would adversely affect and diminish the present open character of the environment resulting in significant harm to the character and rural appearance in which it would be set and would represent an unwarranted and incongruous intrusion into the countryside. As a consequence the development would fail to protect or enhance the natural environment and would therefore not constitute sustainable development, contrary to the environmental strand enshrined within the NPPF. In addition the development would be contrary to Policies S2 and S3 of the adopted Local Plan (2017) and Paragraph 17 of the NPPF. The proposed agricultural workers dwelling could also not be sustained by the farming enterprise, at this time, and as a result the allowance of the dwelling would seriously undermine the viability of the enterprise contrary to the economic strand of sustainability enshrined within the NPPF. In the absence of any agricultural justification for a dwelling on the site, at this time, the resulting harm from these impacts would significantly and demonstrably outweigh the social and other limited economic benefits, including the provision of a self-built dwelling, and therefore it is considered, overall, that the proposal does not constitute sustainable development.