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| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | | |
| **Signed:** | | **Officer:** | BT | | | | **Date:** | 22/9/22 | **Manager:** | | **KH** | | **Date:** | **22/09/22** |
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| **Application Ref:** | | | | 3/2022/0269 | | | | | |  | | | | |
| **Date Inspected:** | | | | 22/8/2022 | | | | | |
| **Officer:** | | | | BT | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | | **Decision** | | **REFUSAL** | | |
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| **Development Description:** | | | | | | Amendment to the approved design of planning permission 3/2004/1269 in relation to approval 3/1979/0646 to allow an extension to the side and a canopy over the door. | | | | | | | | |
| **Site Address/Location:** | | | | | | Land at Cherry Tree Farm, Chipping Road, Chaigley. BB7 3LX | | | | | | | | |
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| **CONSULTATIONS:** | | | | | | **Parish/Town Council** | | | | | | | | |
| Aighton Bailey and Chaigley Parish Council consulted on 4/8/22 – no response. | | | | | | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | | |
| LCC Highways: | | | | | | No objections. | | | | | | | | |
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| **CONSULTATIONS:** | | | | | | **Additional Representations.** | | | | | | | | |
| Alan Jackson (BSc FRICS FAAV) for AG & P Jackson, Chartered Surveyors and Land Agents: | | | | | | Considers that whilst a functional need exists in relation to the applicant’s existing agricultural operation, the proposed dwelling at Cherry Tree Farm would not be well located to meet the functional need and security arrangements at Lower Lees Farm. | | | | | | | | |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | | | |
| **Ribble Valley Core Strategy:**  Key Statement DS1: Development Strategy  Key Statement DS2: Presumption in Favour of Sustainable Development  Policy DMG1: General Considerations  Policy DMG2: Strategic Considerations  Policy DMG3: Transport And Mobility  Policy DMH3: Dwellings In The Open Countryside And AONB  Policy DMB1: Supporting Business Growth And The Local Economy  NPPF: Paragraph 80, 84, 130, 176 | | | | | | | | | | | | | | |
| **Relevant Planning History:**  **3/2004/1269:**  Change of house type of agricultural workers dwelling. (ref: 3/1979/0646PB) (Approved – not implemented)  **3/1979/0646:**  Erection of new farmhouse on land adjacent to Cherry Tree Farm, Chaigley (Approved - commenced) | | | | | | | | | | | | | | |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The application relates to an agricultural land parcel in Chaigley. The land parcel lies approximately 15 metres away to the North-east of Cherry Tree Farm on the Northern side of Chipping Road. The land parcel comprises a triangular 0.6 hectare piece of land which has historic ties to Cherry Tree Farm. The South-eastern corner of the land parcel forms the basis of two previously approved applications from 1980 and 2005 with the former and latter applications relating to an outline consent for an agricultural workers dwelling and an amendment to the 1980 consent respectively. The South-eastern corner of the land parcel currently contains the foundational footprint of the approved dwelling relating to the aforementioned 1980 planning consent. It is understood that this foundational work was carried out 4 years after the granting of the 1980 planning consent. The surrounding area is rural and comprises a mixture of agricultural land, woodland and open countryside. | | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  Consent is sought for an amendment to a previous consent granted at the application site in 2005 which in this instance would involve the addition of a two-storey side extension to the North-western gable end of the amended dwelling approved under application 3/2004/1269. | | | | | | | | | | | | | | |
| **Principle of development:**  From a historical perspective, the principle of constructing a farm workers dwelling at the application site was previously established with the approval of application 3/1979/0646 in June 1980. Approximately 24 years later, the Council received correspondence from a family member of the original applicant who expressed an intent to amend the original consent from 1980 in order to create a larger agricultural worker’s dwelling. The works proposed involved the addition of a first floor extension to the dwelling originally approved.  Historic correspondence from November 2004 shows that the Council’s position on the above was that a start had been made on the 1980 consent with regards to:   * Compliance with the external materials condition from the original consent * Compliance with the approved plans from the original consent with regards to the location of the existing foundations installed on site   At the time it was conveyed to the applicant that it would be acceptable for the applicant to apply for the proposed amendment to the original 1980 consent, subject to satisfactory information first being furnished with regards to the following:   * Proof of commencement of works within 5 years of the original consent (in this instance – that the foundations on site had been laid within 5 years of the 1980 consent being granted) * Confirmation that the footprint foundations laid would be structurally sound enough to support further construction   Following this initial correspondence, there is a subsequent acknowledgement within the case officer’s delegated report from application 3/2004/1269 that the existing foundations on site were installed within 5 years of the 1980 consent being granted. The above delegated report also states that the existing foundations at the application site had been inspected by the Council’s building surveyor who deemed the foundational works as being structurally sound enough to support further construction.  Whilst it is acknowledged that the extant planning consent from 1980 may well provide a fallback position with regards to providing an agricultural workers dwelling at the application site, the applicant has stated as part of the justification for this submission that the implementation of the consent granted in 1980 would be reliant on the submission of a building regulations application which could result in changes in order to meet current building regulation standards. As such, it remains unclear as to whether the original consent granted in 1980 would be capable of being constructed in accordance with the approved plans and therefore provide a viable fall-back option for the provision of an agricultural workers dwelling in this location.  Notwithstanding the aforementioned planning consents from 1980 and 2005, it is considered pertinent to give due consideration towards the fact that considerable periods of time have since elapsed between the 1980 and 2005 consents and between approval of the 2005 consent through to the present day, all of which has passed by without the dwelling being constructed.  Moreover, the applicants of the 1980 and 2005 consents were at the time in ownership of both Cherry Tree Farm and the adjacent land parcel at the present time, however, Cherry Tree Farm and the adjacent land parcel are in separate ownership as a result of the farm and land parcel being separated in 2016.  The applicant of the current proposal resides at Lower Lees Farm which lies approximately 1 mile away to the North of the application site. Lower Lees Farm and its associated 110 hectare land parcel form part of the Estate of the Duchy of Lancaster. The applicant currently occupies the farm on a Farm Business Tenancy which expires in around 20 years’ time.  The applicant purchased the land which forms the basis of this application in 2016 with the extant permission as a means of providing an agricultural workers dwelling for Lower Lees Farm.  Notwithstanding the possible fall-back position set out above, it is therefore considered that the current application should be subject to an assessment of the relevant local and national policies with regards to the development of dwellings within the open countryside for the purposes of agriculture.  With regards to this, Paragraph 80 of the NPPF states:  *“Planning policies and decisions should avoid the development of isolated homes in the countryside unless 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”.*  Paragraph 84 of the NPPF states that:  *“Planning policies and decisions should enable:*  *a) the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings:*  *b) the development and diversification of agricultural and other land-based rural businesses”.*  The above national guidance is consolidated within Policy DMH3 of the Ribble Valley Borough Council Core Strategy which states:  *“Within areas defined as open countryside or AONB on the proposals map, residential development will be limited to development essential for the purposes of agriculture or residential development which meets an identified local need. In assessing any proposal for an agricultural, forestry or other essential workers dwellings a functional and financial test will be applied”.*  Similarly, Policy DMG2 allows for development outside of the defined settlement areas on the basis of the development in question being necessary for the purposes of agriculture or forestry.  Accordingly, the current proposal shall be assessed in relation to the following issues:   * Evidence of the necessity for the applicant to live at, or in close proximity to, their place of work to ensure the effective operation of the existing agricultural enterprise * Labour requirements of the existing agricultural enterprise * The degree to which there is confidence that the agricultural enterprise is currently economically viable and will continue to be so for the foreseeable future * Availability and suitability of existing dwellings on the agricultural holding   An assessment of the above criteria has subsequently been carried out through consultation with the Council’s Rural Consultant.  In this case there is a clear requirement for a farm worker to be on hand to deal with instances relating to the management of livestock that need to be dealt with reasonably quickly, particularly instances relating to birthing and throughout the year to care for younger livestock. As such, there is a clearly established functional need on the applicant’s land holdings at Lower Lees Farm.  In terms of labour requirements, the applicant’s agricultural operation currently carries a labour requirement of up to 3 full time workers which at present is being met through the applicant and his daughter. The applicant’s existing agricultural operation is also considered to be financially sound with a clear prospect of remaining as such for the foreseeable future.  In relation to the final requirement, the applicant’s current situation deems it necessary for one worker to permanently reside at Lower Lees Farm and desirable for a second worker to permanently reside on site. At present, both the applicant and his family reside at the farmhouse at Lower Lees Farm however it is understood that the applicant’s older daughter is now of an age where she requires her own independent accommodation therefore the farmhouse at Lower Lees Farm is considered to be unsuitable for housing both the applicant and his daughter.  It is understood that the applicant has made enquiries with regards to sourcing alternative accommodation within the vicinity of Lower Lees Farm however it is the applicant’s claim that no suitable accommodation exists within close proximity of the farmstead that could accommodate an agricultural worker.  Furthermore, it would not be economically viable for the applicant to construct a new dwelling on the land at the farmstead by virtue of the fact that the applicant does not own this land or have any guarantee that his tenancy will be renewed on expiry.  With regards to the application site itself, this site is approximately 2 miles by road from Lower Lees Farm steading which in turn takes about 5 minutes travelling time by the public road. In this case, it is considered that a second worker living at such a distance from the Lower Lees steading would be unable to provide assistance in any issues with the livestock housed on the farmstead outside of normal working hours in the event of the main worker being away from the farm.  Moreover, given that the location of the proposed dwelling has no farm buildings to house livestock and approximately 0.8ha of land, there is very little in the way of functional need for a worker to be resident at the application site now that Cherry Tree Farm is in separate ownership.  Accordingly, the application site at Cherry Tree Farm is considered to be unacceptable in terms of its location for the purposes of providing an agricultural workers dwelling to serve the applicants existing operation at Lower Lees Farm.  Taking all of the above into account, it is considered that the current proposal would be an inappropriate form of development in as much that the proposed development would not reflect the functional need which is located away from the application site at Lower Lees Farm. Accordingly, the proposal fails to accord with Policies DMG2 and DMH3 of the Ribble Valley Core Strategy and is therefore considered to be unacceptable in principle. | | | | | | | | | | | | | | |
| **Residential Amenity:**  The proposed dwelling would be sited approximately 40-50 metres away from Cherry Tree Farm and Cherry Tree Barn therefore it is not considered that the proposed development would pose any issues with regards to its impact upon the amenity of the nearest neighbouring residents. | | | | | | | | | | | | | | |
| **Visual Amenity:**  The dwelling originally approved in 1980 which relates to the application site comprised a modest, three bedroom property of a simple design with a functional quantum of internal living space.  In contrast, the proposed dwelling would comprise a significantly larger two storey four bedroom property with two projecting front gable features at two storey level. In addition, the dwelling would incorporate a single storey front porch as an infill between the dwelling’s two projecting gable features. As such, the proposed dwelling would be significantly larger than the dwelling originally approved in 1980 in terms of its footprint and cubic volume. Furthermore, the visual impact of the proposal would be significant in as much that the proposed dwelling would be sited in a prominent position close proximity to Chaigley Road where it would be fully visible within the public realm.  Key Statement EN2 of the Ribble Valley Core Strategy states:  *‘Particular regard, consistent with the designation as AONB, will be given to matters of design and impact with an expectation that the highest standards of design will be required.’*  In addition, Policy DMG1 states:  *‘All development must be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features…particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character.’*  Furthermore, Policy DMH3 of the Ribble Valley Core Strategy states:  *‘The protection of the open countryside and designated landscape areas from sporadic or visually harmful development is seen as a high priority by the Council and is necessary to deliver both sustainable patterns of development and the overarching Core Strategy vision.’*  In this instance the proposed development would result in the erection of a dwelling significantly larger than the dwelling originally approved in 1980. Furthermore, the larger dwelling would be sited within an area of open countryside and designated AONB whereby such forms of development are normally tightly restricted to the development of modestly sized dwellings in order to protect the visual amenities of the Borough’s open countryside and AONB landscapes. As such, it is considered that the visual impact of the proposed development would be harmful to the visual amenities of the immediate and wider landscape. | | | | | | | | | | | | | | |
| **Ecology:**  No ecological constraints were identified in relation to the proposal. | | | | | | | | | | | | | | |
| **Highways:**  LCC Highways have reviewed the proposal and have no issues with the proposed development in terms of vehicle access and general highway safety however the applicant has been advised that the driveway as currently proposed for the dwelling would be substandard in terms of size for accommodating three off-street vehicle parking spaces.  The LHA have not requested any further information from the applicant on the basis of the proposed parking arrangement from the 2005 planning consent being extant however as stated previously, it remains unclear as to whether a material start was ever made on this consent.  As such, and in the absence of any evidence to show that the 2005 consent remains extant, any future planning proposal for a four bedroom property at the application site would need to demonstrate sufficient off-street parking space for a minimum of three vehicles. | | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  The proposed development would be poorly located for the purposes of serving the existing agricultural operation at Lower Lees Farm. Whilst there may be a functional need for an agricultural workers dwelling, this need would be based at the Lower Lees Farmstead and not at the application site.  Furthermore, no robust evidence has been provided that would justify acceptance of a considerably larger dwelling with an increased level of accommodation at the application site. Moreover, the development proposed would introduce significant built form into an area of open countryside which in turn would result in undue harm to the character of the surrounding Area of Outstanding Natural Beauty without any justification.  It is for the above reasons and having regard to all material considerations and matters raised that planning consent be refused. | | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | | | | That planning consent be refused for the following reason(s): | | | | | | | | | |
| **01** | The proposal is considered to be an inappropriate form of development in as much that the proposed development would not reflect the functional need which is located away from the application site at Lower Lees Farm. Accordingly, acceptance of a new dwelling in the proposed rural location without sufficient agricultural justification would be contrary to the aims and objectives of Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy. | | | | | | | | | | | | | |
| **02** | The proposal is considered to be in conflict with Policies DMG1, DMH5 and EN2 of the Ribble Valley Core Strategy and Paragraphs 130 and 176 of the NPPF as it would introduce an inappropriate form of development into an area of largely undeveloped open countryside within the setting of the Forest of Bowland AONB. The proposal by virtue of its location, scale, massing and visual prominence within the public realm would result in an unsympathetic form of development that would fail to successfully amalgamate into the AONB landscape. | | | | | | | | | | | | | |