

## REPORT 5

**APPLICATION NO.** P07/E0547  
**APPLICATION TYPE** FULL  
**REGISTERED** 2 MAY 2007  
**PARISH** Rotherfield Peppard  
**WARD MEMBER(S)** Paul Harrison and Alan Rooke  
**APPLICANT** Mrs Y Howie  
**SITE** Kingwood Farm, Wyfold Lane, Rotherfield Peppard  
**PROPOSAL** Change of use of existing agricultural storage barn to agricultural farm worker's dwelling  
**AMENDMENTS** NONE  
**GRID REFERENCE** 469295/181767  
**OFFICER** PAUL LUCAS

### 1.0 INTRODUCTION

1.1 This application is reported to the Planning Committee as a result of a conflict between the Planning Manager's recommendation and the views of Rotherfield Peppard Parish Council.

1.2 The application site is shown on the OS extract attached as **Appendix 1**. The site consists of an existing barn, which lies in open countryside between the settlements of Wyfold and Rotherfield Peppard. The barn sits within land belonging to a farming enterprise known as 'Kingwood Farm' amounting to 17.5 hectares in agricultural use and consisting predominantly of grazing land. The barn is constructed from timber weatherboarding with a plain clay tile roof. It is set back from the road on the western side of a line of mature trees running north to south. A Tree Preservation Order (12/2006) was served on these trees in April 2006 and confirmed in August 2006. There is a larger steel portal frame barn located near to the roadside. Vehicular access to the site is achieved from Wyfold Lane via a single access point to the east of the larger barn. The site and the smallholding lie within the Chilterns Area of Outstanding Natural Beauty.

### THE PROPOSAL

#### 2.0

The application seeks full planning permission for the change of use of the barn to a farm worker's dwelling. The area of the barn is 114 square metres. The internal

2.1 layout would be altered to comprise a living area, overnight accommodation area, farm office area, kitchenette, bathroom and hall. An existing secure store would remain within the layout. There would be no external alterations to the physical appearance of the barn, with existing openings (timber doors) being used to provide light to various rooms.

The applicant's supporting letter is **attached** as Appendix 2. The plans of the proposed development are **attached** as Appendix 3.

### 3.0 **CONSULTATIONS AND REPRESENTATIONS**

3.1 **Rotherfield Peppard Parish Council** – The application should be refused due to concerns about financial viability, whether all activities documented are sustained, domestication of AONB, functional need for dwelling not justified.

**CPRE** – Financial information is queried. Believe that occupant would have to work elsewhere outside agriculture to supplement income. Could use a temporary mobile home during lambing. Dwelling not large enough to provide sufficient accommodation for a farm worker's family, likely to lead to further development. This is a rural site and this development would be harmful to the AONB.

**Chiltern Society** – Would not support without sight of financial information – serious encroachment on the AONB.

**OCC Highways** – No objection subject to a planning condition restricting use of the barn as a farm worker's dwelling.

**Forestry Officer** – No objections.

**Environmental Health (Contaminated Land)** – No objection subject to standard planning condition requiring investigation and remedial measures if necessary.

**Countryside Officer** – No objections.

**Reading Agricultural Consultants** – Consider that the application meets both the Functional and Financial Tests as set out in PPS7.

**Neighbours** – Twenty-one representations of objection, making numerous points, 3.9 which can be summarised as follows:

- Contrary to Adopted Local Plan Policies G4 and H6.
  - Farm operation not large enough to support a dwelling.
  - Precedent.
  - Domestication of AONB landscape.
  - Would lead to application for full residential use.
  - Dispute whether barn was used for originally intended purposes (storage/lambing).
  - Barn intended for living accommodation from the outset.
  - Increase in traffic – threat to pedestrians and cyclists.
  - Disruption from conversion works and installation of services.
  - Barn too small for occupation by tenant farmer and his family.
  - Dispute whether some of the farm activities are occurring (timber/pigs/pheasants).
  - Dispute whether criminal damage and fly tipping has been occurring on applicant's land and property.
  - Not close to public transport.
  - Tenant farms other fields in the area.
  - Dispute that original Kingwood Farm included the fields forming part of this application.
  - No evidence to support recent loss of farm buildings – original Kingwood Farmhouse now occupied as Flint Cottage on Dove Lane.
  - Applicant is looking to sell off part of original field for residential development.
  - Dispute 10 trips per day to the farm currently needed.
  - If planning permission were to be granted, there should be a covenant to ensure that the building is demolished if no longer occupied by a farm worker.
  - Roadside hedge should be subject to a Tree Preservation Order.
  - Applicant will not be able to comply with conditions as is not a farm worker.
  - Dispute that applicant looks after land or animals appropriately.
  - Further development – a garage and garden would be required.
  - Existing barn is an eyesore.
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- Applicant should use barns to protect young animals and caravan for lambing.
  - Affordable housing is nearby for applicant to live in.
  - Disruption due to noise from guns.

#### 4.0 RELEVANT PLANNING HISTORY

4.1 P02/S0780 – Planning permission was granted for a barn in December 2002.

P04/E0632/RET – Retrospective planning permission for the barn which had not  
4.2 been constructed in accordance with P02/S0780 was granted in July 2004.

P05/E1311– A planning application for the change of use of the barn to an  
4.3 agricultural worker’s dwelling was withdrawn in March 2006.

P06/E0149/AG – An agricultural notification was granted consent in May 2006 for  
4.4 the formation of a private way to the barn from the existing driveway.

P06/E0357 – Planning permission for the change of use of the barn to a farm  
4.5 worker’s dwelling was refused in June 2006 for the following reason:

*“The proposed development would be located in an isolated location in the open countryside. The occupiers of the proposed dwelling would be heavily reliant on private vehicles in order to access services and facilities, which would result in an unsustainable development. The proposal fails to meet the financial test for agricultural workers’ dwellings as set out in PPS7 and therefore an overriding agricultural justification has not been demonstrated. The development would therefore be contrary to Policies G1, G3 and H1 of the Oxfordshire Structure Plan 2016 and Policies G1, G2, G3, D11, H6 and A6 of the adopted South Oxfordshire Local Plan 2011 and Government Advice in PPS7 Sustainable Development in Rural Areas.”*

## 5.0 POLICY AND GUIDANCE

### 5.1 Adopted Structure Plan 2016 Policies:

- G1 – General Policies for Development
- G2 – Improving the Quality and Design of Development
- G3 – Infrastructure and Service Provision
- T8 – Development Proposals
- EN1 – Landscape Character
- H1 – The Amount and Distribution of Housing
- H3 – Design, Quality and Density of Housing Development

### 5.2 Adopted South Oxfordshire Local Plan 2011 Policies:

- G2 – Protection of the Environment
- G4 – Development in the Countryside and on the Edge of Settlements
- C1 – Landscape Character
- C2 – Areas of Outstanding Natural Beauty

- C9 – Landscape Features
- D1 – Good Design and Local Distinctiveness
- D2 – Vehicle and Bicycle Parking
- D3 – Plot Coverage and Garden Areas
- D4 – Privacy and Daylight
- D6 – Design Against Crime
- D8 – Energy, Water and Materials Efficient Design
- D10 – Waste Management
- D11 – Infrastructure and Service Requirements
- H6 – Locations where New Housing will not be Permitted
- A6 – Agricultural Workers’ Dwellings
- T1 – Transport Requirements for New Developments

### 5.3 Supplementary Planning Guidance:

- South Oxfordshire Design Guide – Section 4.7.
- Chilterns Building Design Guide – Chapter 3.
- South Oxfordshire Landscape Assessment – Character Area 10.

### 5.4 Government Guidance:

- PPS1 – Delivering Sustainable Development
- PPS3 – Housing
- PPS7 – Sustainable Development in Rural Areas
- PPG13 – Transport

## 6.0 PLANNING ISSUES

6.1 The site lies in an isolated location in the open countryside, where proposals for new dwellings would normally be resisted under Policy H6 of the adopted South Oxfordshire Local Plan 2011. Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. There will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Proposals for dwellings specifically for use by agricultural workers are assessed against Policy A6 of the adopted South Oxfordshire Local Plan 2011, which contains several criteria derived from PPS7 Annex A: ‘Agricultural, Forestry and Other Occupational Dwellings’. The planning issues that are relevant to this application are whether:

- The proposal would meet the functional test as set out in PPS7;
- The proposal would meet the financial test as set out in PPS7;
- There would be any impact on the character and appearance of the surrounding area, including the Chilterns AONB;
- There would be any residential amenity or highways implications;
- The proposal would incorporate sufficient sustainable development measures; and

- Any other material planning considerations

### Functional Test

6.2 Criteria (i), (iii), (v) and (vi) of Policy A6 of SOLP 2011 require proposals for agricultural workers' dwellings to comply with the functional test as set out in PPS7. A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. PPS7 cites the case of the delivery of essential care to animals at short notice as an example of relevant circumstances. Similarly, the guidance indicates that where a functional need exists, regard must be had to the scale and nature of the enterprise in determining how many workers need to be available to meet it. In cases of proposals for permanent dwellings, the need must be extant, rather than projected – with a “*clearly established functional need*”. The beef and sheep enterprises, along with the associated young stock, represent a demanding agricultural regime due to the demands of calving and lambing and the management of livestock all year round. There is no doubt that there is a functional need for staff to be readily available at most times of the day to meet the seasonal demands of calving and lambing. The breed of cattle in this case (Belgan Blue) is particularly pertinent in that they are double-muscled and can present more calving problems than the more traditional breeds. The applicant and landowner lives some 36 miles away from the farm and the tenant farmer 4 miles away from the farm. The need to assess the labour requirement of an enterprise seeks to ensure that the functional need relates to a full-time worker or one who is primarily employed in agriculture. The amount of labour required on the farm can be assessed by reference to standard data in the Wye College “Farm Management Pocketbook”, using the standard man day calculation (SMD). One SMD equates to 8 labour hours a day, with 275 SMDs representing the annual labour provided by a full-time worker. Based on this data, Kingwood Farm has a labour requirement of 358 standard man days, which equates to just over one and a quarter full-time workers. The direct labour required to manage the livestock when examined in isolation equates to more than one worker. It is therefore apparent that the functional need relates to a full-time worker and the application satisfies the above criteria of Policy A6 and the functional test as set out in PPS7.

### Financial Test

6.3 Criteria (ii) and (iv) of Policy A6 of SOLP 2011 require proposals for agricultural workers' dwellings to comply with the financial test as set out in PPS7. The four parts of this test require that the unit and the agricultural activity concerned:

- Should have been established for at least 3 years;
- Should have been profitable for at least one of them;
- Are currently financially sound; and
- Have a clear prospect of remaining so.

The previous application Ref: P06/E0357 failed to meet this financial test. A full set of trading accounts have now been provided for the period 2002 to 2006. It is clear that the net profit originally shown in the accounts submitted with P06/E0347 did not explain and detail that a charge for labour and depreciation had already been included in the net profit figures. It is also clear that there are two separate sets of trading accounts, which should have been combined for the partnership between the landowner and the tenant; one detailing the livestock enterprise and the other the shoot and tree sales. One method that can be used to assess whether a unit is financially sound with a clear prospect of remaining so is based on the guidance issued by the former Ministry of Agriculture Farms and Fisheries. This stated that:

*“For a holding to be considered financially sound and to assess whether it can be sustained for a reasonable period of time it is necessary to ensure that it can be shown to provide a reasonable return on the land, labour and capital used in the business.”*

- 6.4 This methodology follows conventional economic assessment that a sound business should be able to provide a reasonable return on all the inputs used (in the case of agriculture, these are land, labour and capital). The methodology assumes that a reasonable return to land would be a notional rent, that the minimum agricultural wage would provide a reasonable return to labour and that a reasonable return to capital employed in the agricultural sector would be 2.5%. For a holding to be considered as financially sound both now and in the future, the net profit achieved would have to cover these notional deductions. It is evident from the recalculated figures that the business at Kingwood Farm has been able to meet these notional deductions for the last two financial years and therefore can be described as financially sound with a clear prospect of remaining so. This is somewhat different from the previously understood financial position of the business and consequently, the application satisfies the above criteria of Policy A6 and the four parts of the financial test as set out in PPS7.

#### Character and Appearance

- 6.5 Criteria (vii) and (viii) of Policy A6 of SOLP 2011 state that the proposed dwelling should be sensitively sited and in keeping with its surroundings. Policy C2 of the adopted Local Plan requires that developments conserve and enhance the natural beauty, special landscape quality and distinctiveness of AONBs. The building was originally constructed as a barn and at the time was considered to be positioned in a manner that minimised its impact on the surrounding area, having regard to the slope of the land and the adjacent protected trees. The proposal would not alter the external physical appearance of the building, which would be in accordance with guidance as set out in Section 4.7 of the SODG. A private way linking the barn to the other agricultural buildings has been approved and constructed under agricultural permitted development rights as set out in Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995. As this would be a relatively small dwelling, it is thought that any domestic paraphernalia would be limited and would not be highly visible over a distance of some 225 metres from the nearby public footpath across an open field. The proposal would therefore only have a limited impact on the natural beauty and special landscape quality of the Chilterns AONB and would comply with the above Policies.

## Residential Amenity and Highways Considerations

6.6 Criterion (ix) of Policy A6 specifies that a means of access can be provided without harm to the environment or causing highway safety issues. Oxfordshire County Council, as Local Highways Authority, is satisfied that a farm worker's dwelling would not lead to a material increase in vehicular movements, given that both the landowner and tenant currently travel to the site and that there would be no additional threat to the safety of road users as a result of this proposal. There are no residential properties located within a distance that would result in them suffering significant loss of amenity from noise, smells, outlook, daylight or privacy as a result of this proposal. Some of the objections refer to aspects in connection with residential amenity, but these appear to be existing issues that are typically experienced when residential properties are located close to farmland. Concerns about disruption during the conversion works are understood, but unlikely to be significant due to the limited amount of renovation required. The above criterion would be complied with.

### Sustainability Measures

6.7 Policy D8 of SOLP 2011 requires proposals to incorporate sustainability measures in terms of energy, water and materials efficient design. Policy D10 explains that proposals should incorporate refuse, recycling and composting facilities. Although a conversion, rather than a new-build, the proposal would incorporate an eco-homes rating of 'good', would have a waste minimisation strategy, would be carbon neutral, due to local timber and sheep wool being the only new materials and would seek to incorporate a composting toilet and rainwater collection. These aspects could form the basis of appropriate planning conditions, so that precise details can be agreed. The proposal would be broadly in compliance with the objectives of Policy D8 and D10.

### Other Material Planning Considerations

6.8 Local residents do not believe that the applicant has suffered as much from crime as is claimed. Whilst security of livestock can contribute to the argument of need, it cannot be used to justify an agricultural dwelling. Although the security of Kingwood Farm would undoubtedly be improved by having a full-time occupant on site, this is not a determining factor in this case. Issues of precedent and future development on, adjacent to the site or in the surrounding area are not relevant to this application as it is a commonly established planning principle that every application should be assessed on its merits and any other applications would be evaluated at the appropriate time.

## **7.0 CONCLUSION**

7.1 PPS7 states that where the need to provide accommodation to enable farm, forestry or other workers to live at or near their place of work has been accepted as providing the special justification required for new, isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need for as long as it exists. For this purpose planning permission should be made subject to appropriate occupancy conditions. Government Circular 11/95 of Planning Conditions gives further advice and provides a model occupancy condition for agricultural dwellings, which is set out



overleaf. In addition, a Section 106 legal agreement between the applicant and the Council has been drafted with the following terms:

*“1. Not to sell, lease, charge, grant or otherwise dispose of or contract to do so any part of the Property separately from any other part of the Property without the prior written consent of the Council expressly stated to be given under the provisions of this Deed*

*2. The occupation of the Agricultural Worker’s Dwelling House shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person and to any resident dependents.”*

Subject to the prior completion of the S106 Obligation the application proposal would comply with the relevant national planning guidance and local planning policies and as such would be a sustainable development and would not be harmful to the Chilterns AONB, would not compromise the living conditions of local residents and would not be prejudicial to highway safety.

## **8.0 RECOMMENDATION**

**8.1 It is recommended that the grant of planning permission be delegated to the Head of Planning, subject to the prior completion of Section 106 Legal Agreement to ensure that the dwelling remains occupied by (a) person(s) employed in agriculture and that the land is not sold or sublet separately.**

**Subject to the following planning conditions:**

- 1. Standard 3 Year Time Limit.**
- 2. Details of Landscaping to be agreed prior to commencement.**
- 3. Details of refuse, recycling and composting to be agreed prior to commencement.**
- 4. Details of sustainability measures to be agreed prior to commencement.**
- 5. Contamination to be investigated prior to commencement and mitigation measures to be carried out if necessary.**
- 6. Removal of permitted development rights for new windows, doors, extensions, rooflights, porches, outbuildings and hard surfaces.**
- 7. Removal of permitted development rights for Means of Enclosure (Part 2), Temporary Buildings and Uses (Part 4 GPDO) and Caravan Sites (Part 5 GPDO).**
- 8. Use of dwelling restricted to farm worker and dependents only.**

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