

APPLICATION NO.	P14/S3554/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	8.2.2016
PARISH	WARBOROUGH
WARD MEMBER(S)	Richard Pullen Felix Bloomfield
APPLICANT	Mr Mark Stevenson
SITE	The Clays off Thame Road, Warborough
PROPOSAL	Provision of a new build single storey straw-bale and green roof, eco-house for occupancy by agricultural worker and owner of The Clays.
AMENDMENTS	(As amended by revised Ownership Certificate C received 8 February 2016.)
GRID REFERENCE	460132/194462
OFFICER	Paul Bowers

1.0 **INTRODUCTION**

1.1 The application is referred to planning committee at the discretion of the Development Manager.

1.2 The application site comprises a holding of some 6.5ha (16 acres) of land located to the north of the village of Warborough. Access to the holding is provided by a 500m track to the east of Thame Road.

There is a horticultural enterprise in operation on the holding which was established in 2002 by the applicant.

The main agricultural activity in operation at The Clays is fruit and vegetable production. In addition to the production of crops in the polytunnels, there is also an area of about 0.3ha of outdoor vegetable production.

A plan identifying the site can be found at [Appendix 1](#).

2.0 **PROPOSAL**

2.1 The proposal is to build a dwelling (approximately 115m²) to incorporate two bedrooms and a squash store. It is to be constructed in straw bales. A separate building (approximately 32m²) would provide storage areas for vehicles, tools and plants. The dwelling would be sited to the north-eastern corner of the land and would be occupied by the applicant.

2.2 The application has been amended by a revised ownership certificate which sets out the fact that the applicant does not own the access track linking the site to the public highway. He has been unable to determine who owns the track and has therefore submitted Ownership Certificate D which requires the applicant to advertise in the local press drawing people's attentions to the proposal in an attempt to find the land owner. The applicant has gone through this exercise and no representations have been received suggesting they own the track. For the purposes of the planning application the applicant has undertaken what is necessary to ensure that what is before the council now is a valid application for consideration. However it should be noted that in the event that planning permission were granted it would not empower the applicant to go on to land they do not own.

2.3 Reduced copies of the plans accompanying the application can be found at [Appendix](#)

2 to this report. All the plans and representations can be viewed on the council's website www.southoxon.gov.uk under the planning application reference number.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Warborough Parish Council** – Recommend Approval.

Neighbour responses – 8 x representations from individuals and groups in support commenting on the following issues;

- Important for food producers to live close to the place of work.
- The impact of the building will be low.
- Support for the development on the basis that there is a legal commitment for remove the dwelling should circumstances change.
- The core strategy has omitted to include policies which increase local food supply.
- The fact that the market garden has maintained without a residence is an argument to now have one.
- The exceptional design and quality of the design should be sufficient reason to allow the development.
- The building will enhance the site.
- The development will provide employment.

OCC (Archaeology) - No objection subject to conditions requiring appropriate investigation and recording.

OCC (Highways)- No objection subject to condition relating to parking.

Reading Agricultural Services – An essential need has not been demonstrated to justify the erection of a dwelling on the site.

Architects Panel – The proposal does not represent a sufficient innovative design to satisfy the requirements of Paragraph 55 of the NPPF.

Countryside Officer – No objection.

4.0 **RELEVANT PLANNING HISTORY**

4.1 None.

5.0 **POLICY & GUIDANCE**

5.1 **South Oxfordshire Core Strategy 2027** policies

CS1 - Presumption in favour of sustainable development
CSQ3 - Design
CSS1 - The Overall Strategy

South Oxfordshire Local Plan 2011 policies;

C4 - Landscape setting of settlements
CON11 – Archeaology and historic analysis and recording
CON13 - Archeaology and historic analysis and recording
CSR1 – Housing in villages
D1 - Principles of good design
D2 - Safe and secure parking for vehicles and cycles
D3 - Outdoor amenity area
D4 - Reasonable level of privacy for occupiers

- G2 - Protect district from adverse development
- G4 - Protection of Countryside
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2008
National Planning Policy Framework
National Planning Policy Framework Planning Practice Guidance

6.0 PLANNING CONSIDERATIONS

6.1 The main issues to consider in relation to this proposal are as follows;

- **The principle of a dwelling in this location.**
- **Whether there is an agricultural need for a dwelling on this site.**
- **Whether the design of the dwelling meets the criteria of Paragraph 55 of the National Planning Policy Framework (NPPF).**
- **Impact on highway safety.**
- **Impact on archaeology.**
- **Other material considerations.**

The principle of a dwelling in this location.

- 6.2 Planning law requires local authorities to determine planning applications in accordance with the relevant development plan policies unless material planning considerations indicate otherwise.
- 6.3 The policies within the development plan in both the South Oxfordshire Core Strategy 2027 (SOCS) and the retained policies within South Oxfordshire Local Plan 2011 (SOLP) are in line with the fundamental planning principles set out in paragraph 15 of the NPPF in terms of the presumption in favour of sustainable development.
- 6.4 The housing policy CSR1 in SOCS permits the erection of dwellings within the larger and smaller villages in the district. Erecting a dwelling in an isolated rural location away from facilities offered by villages would be contrary to the objectives of the policy and contrary to the fundamental principle of sustainable development.
- 6.5 The application has been put forward on the basis of two key but separate considerations set out in Paragraph 55 of the NPPF which deals with the exception of resisting new isolated homes in the countryside. These are;
1. That there is an essential need for a rural worker to live permanently on the site.
 2. The building is exceptional in quality or innovative design.

These issues are dealt with independently below.

Whether there is an agricultural need for a dwelling on this site.

- 6.6 For completeness the full wording of paragraph 55 of the NPPF is set out below;

55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes 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; or
 - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.
- 6.7 The council does not have 'in-house' expertise on agricultural matters and therefore has consulted with Reading Agricultural Services to provide an independent assessment of the application and the business to provide a view as to whether there is an essential need for a rural worker to live permanently on the site.
- 6.8 The applicant contends that if a worker was to be located on site then the introduction of livestock could take place as previous efforts of keeping pigs have involved pigs escaping and straying in to the village and hens being killed by foxes. Having someone on site can ensure that they remain safe and provided with adequate drinking water in the evening and in the early morning.
- 6.9 They also contend that insurance premiums are high in terms of damage and theft due to lack of onsite security. In addition the applicant currently rents a room in Dorchester and is 3 miles away from the site by road. Moving between his residence and the application site several times a day is time consuming.
- 6.10 The small scale intensive horticulture nature of the business means that pests can occur and can cause disastrous problems in a short space of time. Changes in weather and temperature can also happen quickly and require a quick response and a worker on site can potentially save a crop.
- 6.11 In order to demonstrate that there is an essential need for a worker to live on site, it is necessary to consider whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:

- in case animals or agricultural processes require essential care at short notice;
 - to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.
- 6.12 There are no animals on site that would require essential care at short notice. The horticultural enterprise is relatively low-key and when Reading Agriculture visited the site there was no evidence of any agricultural processes that would require essential care at short notice. This is in part evidenced by the fact that the current activity has been managed for many years without a worker living on site.
- 6.13 Mr Stevenson indicated that if he was living on site, he could extend the growing period as he would be able to start the crops 4 to 6 weeks earlier as he does not consider it safe to leave paraffin heaters unattended. However, in 2014 he did achieve this by using the conservatory at his rental property to propagate seeds and grow on young plants. Thus, it would appear that there is scope to start the crops away from the holding in a greenhouse or conservatory with the young plants then being moved to The Clays once they are ready to be planted in the polytunnels, or outside.
- 6.14 This is clearly a small-scale enterprise which has operated successfully for many years without a worker living on-site. The applicant has indicated that there had been times in the past when he had stayed on the holding overnight in order to protect plants during extreme weather. There is scope within the General Permitted Development Order to enable a worker to stay on site occasionally at times of increased need. It is evident that facilities located away from the holding can be used to enable the applicant to extend the growing period.
- 6.15 The agricultural expert has concluded that there are no arguments that have been advanced which demonstrate that there is an essential need for a worker to live on site at The Clays in order for the horticultural activity to continue.
- 6.16 In response to the conclusions of Reading Agricultural Services the applicant has put forward an appeal decision dated 4 September 2013 which sets out a decision by a Planning Inspector that allowed the siting of a temporary agricultural workers dwelling at a site of a market garden in the open countryside in Mendip district. This decision is available on the website alongside the other application documents.
- The inspector concluded in that case that there was sufficient evidence to justify an agricultural workers dwelling. He acknowledged that he had concerns about the financial soundness of the business. He placed great emphasis that the permission was temporary for a period of three years in order for the applicant to justify the development.
- 6.17 The key differences between the example scheme and the one before the council for approval is that the applicant in the other case only applied for a temporary permission. The dwelling comprised a mobile home, a log cabin and a lobby. The log cabin would be capable of being taken apart and removed from the site. In addition the market garden also included the keeping of sheep and poultry. This differs from the proposed scheme in that there are no livestock, what is being proposed is a permanent permission with a purpose built dwelling house on the site. These are sufficient differences that mean the Mendip example is given very limited weight in the forming of this recommendation.
- 6.18 It is recognised that the applicant has long term plans for the site and that being located on the site would assist in the running of his business. However, the council's agricultural consultant has concluded that it is not essential that a worker is on site to continue the business.

- 6.19 At most the council would only ever consider a temporary permission for the siting of a mobile home as a first step in order to assess the need in a further three years before considering a granting a permanent permission for a built structure. Had it been concluded that there was a need this would have been the approach the council would have taken. However permanent permission with a new dwelling being constructed on the site is entirely inappropriate in this case and contrary to development plan policies.

Whether the design of the dwelling meets the criteria of Paragraph 55 of the National Planning Policy Framework (NPPF).

- 6.20 In relation to the quality and design argument being put forward by the applicant the development is assessed against the latter element of paragraph 55;
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 1. *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 2. *reflect the highest standards in architecture;*
 3. *significantly enhance its immediate setting; and*
 4. *be sensitive to the defining characteristics of the local area*
- 6.21 It is recognised that the proposed dwelling is an interesting proposition due to the proposed use of straw bales for the external walls which would then be covered in lime render and triple glazed windows and doors and roofed in a bio-diverse green roof planted with indigenous plants.
- 6.22 The house would not be connected to mains electricity, gas or sewers. Electricity would be generated by photo voltaic cells situated on the south side of the proposed outbuilding. The heating of hot water etc. would be achieved from wood burning stoves and w/c's designed on the air drying principles and therefore no foul water connections are necessary.
- 6.23 Although what is presented is an interesting development the independent architects review panel that considered the application have taken the view that the design is not sufficiently innovative to satisfy the requirements of paragraph 55.
- 6.24 The development comprises the erection of a dwelling, a section of hardstanding and a detached single storey outbuilding. The cumulative effect of the development as a whole will not significantly enhance its immediate setting as required by paragraph 55.
- 6.25 Your officers do not consider the uniqueness of the proposal meets the high standards that the NPPF requires to set aside the general inappropriateness of this unsustainable development.
- 6.26 **Impact on highway safety.**

The access track to the site and on to the highway is existing. The proposed dwelling will not generate a materially greater increase in the use of the access to the extent that it would cause a materially harmful impact to highway safety. Had the recommendation been for approval it would have included proposed conditions reflecting the Highway Officers comments in relation to the provision of the parking and manoeuvring areas to be laid out prior to the occupation of the dwelling.

6.27 Impact on archaeology.

The proposed development lies in an area of archaeological potential. A number of finds have been recorded in the immediate vicinity of the site including an Anglo Saxon sword and Axe and the remains of an Anglo Saxon pot, all to the north-west. To the north-east of the site, cropmarks (buried archaeology visible due to differential crop growth) show a large enclosure feature. The date of this feature is unknown; however there are substantial later prehistoric features in the area both to the north and to the west of this site.

It is possible that this development may impact buried archaeological features relating to the sites and finds described above. Therefore had planning permission been recommended it would have been subject to conditions relating to the appropriate investigation and monitoring.

6.28 Other material considerations.

The applicant has put forward a case that the proposed building will also bring about benefits to local economy by creating seasonal employment. However, the benefits that this would bring to the local economy do not in your officer's view outweigh the significant harm that would be caused by allowing a new dwelling in this isolated unsustainable location where there is no essential agricultural need. Whilst unique in terms of the use of materials the proposal does not present a design is not sufficiently innovative or to satisfy the requirements of paragraph 55

6.29 Housing supply. The South Oxfordshire Core Strategy was prepared to be in conformity with the National Planning Policy Framework (the Framework). In particular, policy CS1 Presumption in favour of sustainable development was added to reflect the content of the Framework paragraph 14. This policy is clear that proposals which accord with the policies in the Development Plan will be approved without delay, unless material considerations indicate otherwise. Where the Development Plan is out of date or silent proposals will be determined having regard to the policies in the Framework and other material considerations. Where there is no 5 year supply the relevant policies will not be considered up to date and there will be a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (para 14 NPPF).

The most recent Assessment of the 5 Year Supply of Deliverable Sites (April 2015) indicates there is a healthy supply of 9 years. There is therefore no need to consider this application against paragraphs 14 and 49 of the NPPF. In addition, for the reasons set out in the report the proposal is not sustainable development.

6.30 Community Infrastructure Levy (CIL). The council's CIL charging schedule has recently been adopted and will apply to relevant proposals from 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development.

In this case CIL is liable for the whole building because the proposal involves the creation of a new dwelling. The CIL charge applied to new residential development in this case is £150 per square metre of additional floorspace (Zone 1)

7.0 **CONCLUSION**

7.1 The development involves the erection of a dwelling and ancillary building and creation of hardstanding in an isolated unsustainable location. The proposal does not demonstrate that there is an essential agricultural need for a dwelling to be located on the site and that the design and materials significantly enhance its immediate setting.

8.0 **RECOMMENDATION**

8.1 **That planning permission is refused for the following reason:**

The proposed siting of a dwelling in this isolated rural location will result in an unsustainable form of development contrary to the fundamental principles of both national and local planning policy. There is no agricultural need for the siting of a dwelling in this location and the design does not represent a truly outstanding or innovative design that significantly enhances its immediate setting contrary to paragraph 55 of the National Planning Policy Framework and policies CS1 and CSS1 of the South Oxfordshire Core Strategy and policies G2 and G4 of the South Oxfordshire Local Plan 2011.

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