

**App No. 2024/0877**

Applicant: Mr Philip Medlam

Description: Temporary siting of static caravan for the purpose of agricultural workers (Retrospective)

Address: Swaithe Villa Lodge, Mitchell Street, Worsbrough, Barnsley, S70 3QF

**Description**

The application site is located to the South of White Cross Lane and between Worsborough/Kendray to the West and Swaithe to the East. The site currently accommodates a number of Barns and outbuildings. It is noted that the stables on site do not have planning permission but the applicant has stated these are due to be removed from the site and the Councils Enforcement Team are aware.

To the North of the site is White Cross Lane with fields beyond. To the East is a railway line with fields and Swaithe beyond. To the east is an access road with Dwellings on White Cross Lane and Mitchell Close beyond and to the South is an access road with fields beyond.

**Background**

The land surrounding Swaithe village is generally owned and farmed by the Medlam family. The Medlam's took ownership of the land in 1895 and has been passed down through the generations. The applicant, Philip Medlam, took control of Swaithe Village Lodge Farm in 1990, however, he is now in the process of retiring and handing the running of the farm to his grandson, Liam.

Philip Medlam lives in Swaithe Villa Lodge Farmhouse which, as the village has grown, is separate from the main bulk of agricultural buildings associated with the farming activities.



The combined acreage of the farm is circa 101 acres which does not include adjacent rented land. Currently the farm has 12 horses, 40no. Aberdeen Angus suckle heifers and 20 calves and also produces cattle/horse feed.

The farmland is split into two holding numbers: 47/607/0227 and 47/607/0313

#### **47/607/0227 (36 acres)**

This is where most of the day-to-day hands-on work is carried out. The main farmyard is located here. Within the yard there are three buildings: Calf shed, tractor shed/store/workshop and cattle barn. The calf shed is a small timber building and the other two buildings are constructed from steel frame/profiled metal cladding.

#### **47/607/0313 ( 65 acres )**

On this site there are a number of privately owned properties. None are for sale and if offered for sale - would be too expensive for Liam Medlam to purchase. On the farmland there are two farm buildings (hay barns), both of which are steel framed/profile metal cladding sheds.

Future plans for the farm under Liams guidance include;

- Liam in the last year has increased the number of calves and taken them in at a younger age than previously. This means additional effort is required, particularly with feeding. These calves, some of which are two weeks old, require constant attention and in most cases, feeding by hand. This level of care will result in greater profitability.
- Going forward, instead of buying the calves in, it is Liam's aim to purchase their own bull and commence their own breeding programme. The pedigree bull will also be hired out at a cost to other farmers.
- All the facilities are already established with no further large investments required to fully maximise the farm's potential.
- Liam is a keen environmentalist; his ultimate goal is to farm organically. Better for the planet, whilst offering a healthier food source, and command increased sale prices and profit.
- Continuing the environmental theme, Liam has over the last 12 months become a beekeeper. Starting with one colony of bees on the farm
- His aim over the next few years is to increase this to 25 colonies.
- Additional profit is expected from the sale of Honey, Queen cells, Hive / frame construction and the sale of split colonies. Liam aims to eventually sit the relevant exams and become a 'Master Beekeeper' which would allow him to carry out teaching forums on the farm at a cost.

#### **Proposed Development**

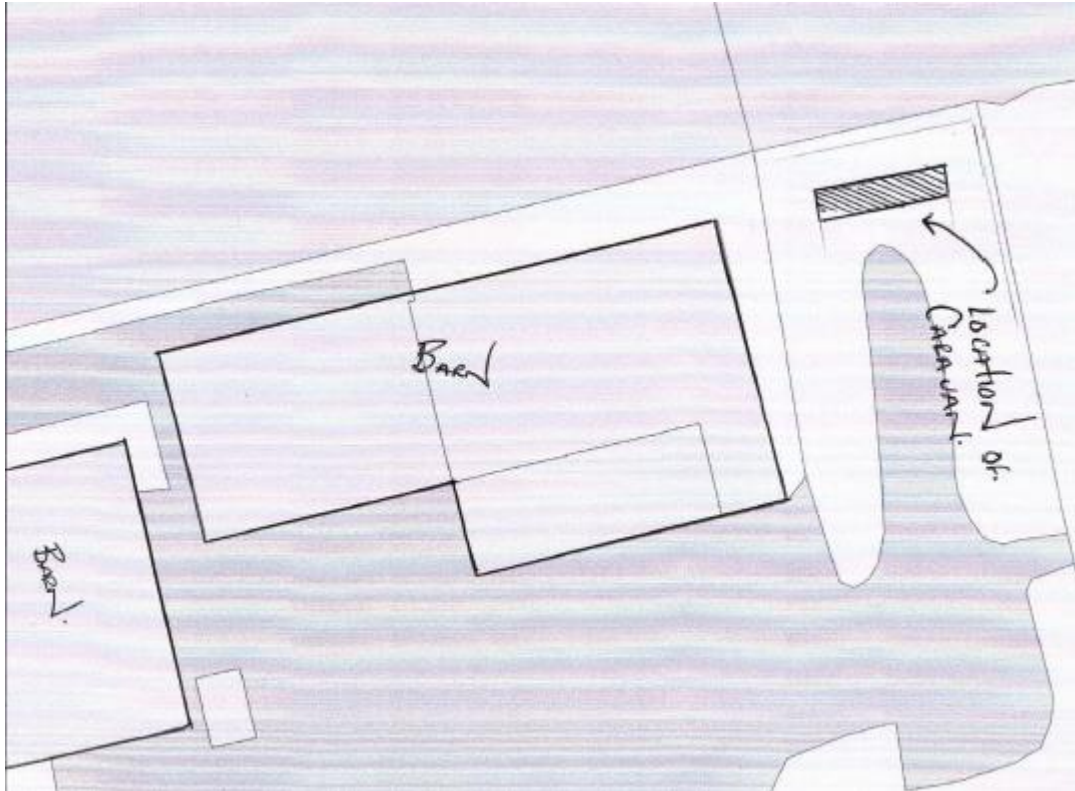
The applicant seeks permission to site a temporary static caravan within the agricultural yard/compound for his grandson to live in while he takes over the farming business. This is a short term solution until they apply for an agricultural workers dwelling in the coming months. It should be noted that the caravan is already in situ.

The reasoning the caravan is within the agricultural yard is so that the grandson is on hand to attend to the animals at all times and is not remote from the site. In addition, thefts, vandalism



and trespass within the compound have become common place but have ceased since the caravan has been sited on the land.

Unfortunately, none of the existing agricultural buildings, barns and sheds are suitable for conversion into a dwelling.



## **Policy Context**

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting on 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

## **Local Plan Policies**

The site is allocated as in the Green Belt in the Local Plan where GB1 applies, protecting the Green Belt in accordance with National Planning Policy.

Local Plan Policy GB5 Temporary Agricultural and Forestry Workers Dwellings – states that:-

There is clear evidence of a firm intention and ability to develop the enterprise concerned;



- A functional need can be demonstrated;
- There is clear evidence that the proposed enterprise has been planned on a sound financial basis; and
- The functional need could not be fulfilled by another existing dwelling on the unit or in the area which is suitable and available for occupation by the workers concerned.

Development will be expected to:

- Be of a size commensurate with the established functional need;
- Be sited directly adjacent to existing buildings wherever possible;
- Be of a high standard of design and respect the character of its surroundings, in its footprint, scale and massing, elevation design and materials; and
- Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.

Where permission is granted we may remove permitted development rights, and impose occupancy conditions as appropriate.

Other relevant policies include:

SD1 Presumption in Favour of Sustainable Development  
 GD1 General Development  
 GD2 Temporary Buildings and uses  
 H4 Residential development on small non-allocated sites  
 T4 New Development and Transport Safety  
 D1 High Quality Design and Place Making  
 BIO1 Biodiversity and Geodiversity  
 Poll1 Pollution Control and Protection

#### SPD/Other Guidance

SPD Design of Housing Development  
 South Yorkshire Residential Design Guide

#### NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of relevance to this application would be:

Para 84: Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- A. 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;

Para 153: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances



Para 154: Development in the Green Belt is inappropriate unless one of the following exceptions applies:.....

- a) buildings for agriculture and forestry

Para 155: The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where;

- The development would utilise grey belt land and not fundamentally undermine the purpose of the remaining Green Belt across the area of the plan.
- The development would be in a sustainable location

## **Consultations**

Conservation – No objections

Drainage – No objections

Highways – No objections

Policy – No objections following the receipt of additional information, subject to a condition limiting the approval to a 3 year period.

PROW – No objections subject to an informative

Reg Services – No objections

Ward Councillors – No objections

## **Representations**

The application has been advertised by way of a site notice and properties within the vicinity have been consulted directly in writing. 3no. letters of objection have been received; the main points of concern are;

- Development is on Green Belt
- Limited information regarding the length of time the caravan will be in situ and what will happen on site after.
- Workers can use existing buildings or dwellings on the farm i.e. caravan is not needed
- Increased noise and disturbance on the site as a result of residential activities
- Applicant using the caravan to gain a permanent permission for a dwelling
- Unauthorised buildings have been erected on the site
- Floodlights causing a disturbance

## **Assessment**

The main issues for consideration are as follows:

- The impact on the Green Belt
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on the ecology of the site

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant



- Moderate
- Modest
- Limited

### Principle of development

The site is within an area designated as Green Belt where the erection/siting of new residential structures/buildings are classed as inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt and very special circumstances do not exist unless the potential harm to the Green Belt and any other harm is clearly outweighed by other considerations.

The NPPF also states that 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.

Local Plan Policy GB5 specifically relates to 'Temporary Agricultural and Forestry Workers Dwellings' and states that:-

Proposals for agricultural and forestry workers dwellings will be allowed provided that:

- A functional need can be demonstrated;
- There is clear evidence that the proposed enterprise has been planned on a sound financial basis; and
- The functional need could not be fulfilled by another existing dwelling on the unit or in the area which is suitable and available for occupation by the workers concerned.

Development will be expected to:

- Be of a size commensurate with the established functional need;
- Be sited directly adjacent to existing buildings wherever possible;
- Be of a high standard of design and respect the character of its surroundings, in its footprint, scale and massing, elevation design and materials; and
- Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.

Local Plan Policy GD2 'Temporary Buildings and Uses' states that temporary buildings will normally be allowed where it can be demonstrated that a permanent building is either not suitable or that urgent accommodation is needed pending the completion of a permanent building.

In terms of compliance with Policy GB5, the information submitted with the application has been assessed against the following requirements:-

***There is clear evidence of a firm intention and ability to develop the enterprise concerned & There is clear evidence that the proposed enterprise has been planned on a sound financial basis;***

The farm has been in the applicants family since 1895 and the applicant has run the farm since 1990. The applicant is now retiring and passing the farm onto their grandson to keep the farm running and within the family. The evidence in relation to viability doesn't show consistent profitability to date but the applicant's proposals in relation to developing the business suggest that it is being planned on a sound financial basis.

***A functional need can be demonstrated;***



In considering functional need, it 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. Such a requirement may arise where workers are needed on site in case animals require essential care at short notice, or to deal with emergencies that could otherwise result in a serious loss of animals if not dealt with quickly. In addition, the security of the enterprise can be considered as part of the functional need.

Green Belt and open countryside policy at national and local levels support the need for accommodation for rural workers where there is an essential need to live at or near the place of work in the countryside.

Local Plan policy GB5 sets out several criteria that must be met. The submission includes evidence that the applicant has taken control of an existing enterprise and has the intention and ability to develop it. The evidence relating to functional need includes submissions relating to the lack of suitable buildings for conversion, lack of available dwellings immediately adjacent to the site, as well as animal welfare and crime reasons. The submission lacks detail in relation to the exact nature of the need for 24 hour and all year round presence. However, there is enough justification to warrant a temporary permission in this instance.

***The functional need could not be fulfilled by another existing dwelling on the unit or in the area which is suitable and available for occupation by the workers concerned.***

An assessment must be made of properties available within the area, and if the need for the dwelling could alternatively be met in the locality by purchasing or renting a property in the immediate area. The applicant has set out that the farmhouse associated with the farm is occupied by the applicant but is remote from the majority of the farm buildings and is not appropriate or suitable for running the farm moving forward. Furthermore, none of the buildings associated with the farm are suitable for conversion.

There are residential properties within relative close proximity of the site but they are either not affordable, available or suitable for the need of the applicant in terms of animal welfare and site security.

Given the above, it is considered that sufficient evidence to support that there is an essential need for temporary agricultural workers accommodation which provides significant weight in support of the proposal and therefore the development is acceptable in principle in accordance with policy GB4 of the Local Plan and paras 153-155 of the NPPF.

#### Visual Amenity

Policy GB5 states that agricultural workers dwellings should be of a size commensurate with the established functional need, be sited directly adjacent to existing buildings wherever possible and be of a high standard of design and respect the character of its surroundings, in its footprint, scale and massing, elevation design and materials.

Policy GD2 also states that Temporary buildings include portable and demountable buildings and structures and those built using short life materials. Such buildings are often utilitarian in design and can detract from the appearance of the area. They may be acceptable when hidden from public view.

In this case the proposal is for temporary accommodation in the form of a static caravan. The caravan is modest in size and located immediately adjacent to existing agricultural buildings and barns. This carries significant weight and would maintain the character of the area in



accordance with Local Plan Policy D1 and would maintain the openness of the Green Belt. This weighs significantly in favour of the proposal.

It is noted that there are some unauthorised stables on the site and these are not included as part of this application. These are subject to a separate enforcement enquiry and the applicant has stated they will be removed from the site within the next month.

#### Residential Amenity

The caravan has been sited so that it maintains the required separation distances to other nearby residential dwellings, set out within the SPD Design of Housing Development. It is noted that residents have raised concerns due to additional activities on the site, however, given the site already accommodates a number of barns and agricultural buildings and the farm business is established, the siting of the modest caravan for a temporary period should not cause any significant impact upon residential amenity. This significantly weighs in favour of the proposal.

#### Highway Safety

A new vehicular access into the site has been created off the rough-surfaced access track that runs along the western and southern site boundary. The track commences at the north-west corner of the site where it forms a junction with White Cross Lane and runs for approx. 490m before reaching Mitchell Street; the site can be approached from either direction.

At the point where the new access has been taken from the existing track, this section forms part of the network of Public Rights of Way (Worsbrough Footpath No.13). The new access is gated, this has been positioned approx. 10m into the site which is sufficient to allow farm related vehicles to pull up to the gate and be clear of the PRow.

It is considered that the proposals do not adversely impact upon the highway and are therefore acceptable from a highways development control perspective. No specific highways related conditions are deemed necessary. This weighs moderately in favour of the proposal.

#### Biodiversity

The development is exempt from Biodiversity Net Gain (BNG) as the caravan is simply sited on an area of existing hardstanding created by compacted road plainings. As such, the development does not impact a priority habitat and impacts less than 25m<sup>2</sup> of on-site habitat. This weighs significantly in favour of the proposed development.

#### PRow

Although no Public Rights of Way appear to be directly affected by the proposed development, a Public Footpath (Worsbrough FP 13) shares the access route. See below screen shot.





The applicant should be aware that the Council is only responsible for maintaining the footpath in a safe condition for pedestrians. Any maintenance to vehicular standard is the responsibility of the landowner and any damage caused to the surface by vehicles should be repaired by the landowner. Colleagues in PROW have raised no objections to the proposal but have requested an informative be placed on the decision notice. This material consideration carries limited weight in determination of the proposal.

### **PLANNING BALANCE & CONCLUSION**

In accordance with Local Plan policy GB4 and Paragraphs 153-155 of the NPPF (2024) the proposal has been satisfactorily justified against the relevant criteria and is considered acceptable for a temporary period within the Green Belt for the reasons set out above. This weighs significantly in favour of the application.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions/informatives and holistically this weighs moderately in favour of the application.

Having balanced all material planning considerations, whilst a number of objections have been received in respect to the proposal they have been suitably addressed through the information supplied and further submissions in relation to the scheme. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations.

The proposal is therefore, on balance, recommended for a temporary approval subject to conditions/informatives.

### **Recommendation**

**Approve** subject to conditions