

2022/1001

Mr Thomas Vodden

Erection of agricultural worker's dwelling

Farm, 21 Engine Lane, Shafton, Barnsley, S72 8RE

Background

77/0286 - To erect 13 dwellings (Outline) – Refused

78/3320 - Erection of agricultural building for housing of cattle and horses – Unknown

92/1447 - Erection of detached farmhouse and three linked agricultural buildings – Refused

2021/1493 - A new detached house for use by an agricultural worker – Withdrawn

2022/0483 - Erection of agricultural worker's dwelling – Refused for the following reasons:-

The site lies within the Green Belt allocated within the Barnsley Local Plan, wherein there is a presumption against inappropriate development. In the opinion of the Local Planning Authority, the agricultural justification submitted in support of the proposed agricultural workers dwelling fails to satisfy the tests set out within Local Plan Policy GB4 and the proposed development would therefore constitute inappropriate development in the Green Belt contrary to Local Plan Policy GB1 and GB4 and the NPPF Sections 5 and 13.

The site lies within the Green Belt allocated within the Barnsley Local Plan, wherein there is a presumption against inappropriate development. In the opinion of the Local Planning Authority, the size of the proposed dwelling and its curtilage is considered to be disproportionately large relative to the size of the land holding and the functional needs of the business on this site and would therefore harm the openness of the Green Belt contrary to Local Plan Policy GB1 and GB4 and the NPPF Sections 5 and 13.

Description

The application site is set to the east of Engine Lane, Shafton. The site currently consists of grazing/agricultural land and is bounded by hedgerows and post and rail fencing. A farm access runs along the south eastern boundary and beyond this is number 21 Engine Lane, a detached dwelling, which is not part of this application. To the east of the site is an agricultural building and land associated with the holding. To the north of the site is a further agricultural building and land which is in separate ownership.



Proposed Development

The application proposes a detached dwelling for an agricultural worker.

The dwelling is approximately 146.6sqm in floor area and provides the following internal accommodation:-

- Ground floor – lounge, kitchen/diner, wc and store
- First Floor – 3 beds and a study, a bath room and ensuite to the master bed

Externally, the property is set within a large curtilage which amounts to over 400sqm (excluding the area of the dwelling). This includes a large front, side and rear garden.

The agent has submitted a Planning Statement, a Design and Access Statement, Rightmove search of properties within the Shafton area dated May 2022, Financial accounts from 2020, 2019 and 2018, receipts for plant/machinery purchased in connection with the agricultural contracting business, title deed of property/land ownership and an Ecological Walkover Report in support of the proposal.

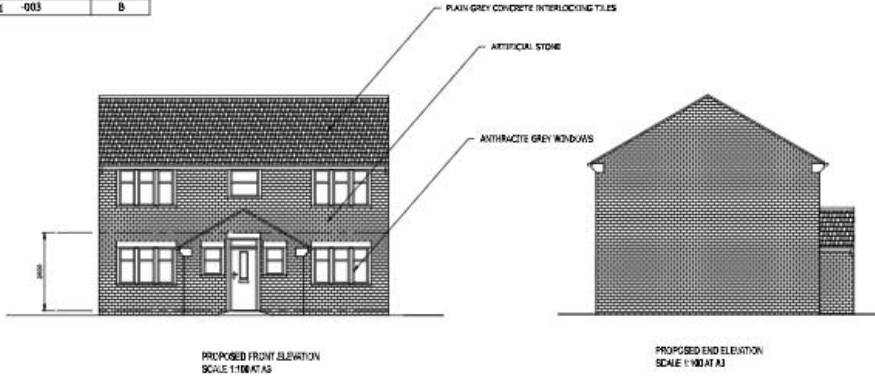
In terms of the justification for the need for the dwelling, the agent has submitted the following justification with the proposal:-

'Currently 21 Engine Lane is used as a registered small holding covering 20 acres with a large agricultural building which is approximately 1100 square metres (number 47/729/0043). The farm was purchased in 1997 and the contracting business in 2010, current business activities include a well-established contracting agricultural business. Providing essential services for surrounding farmers during busy periods in which 100 hour working weeks are a regular occurrence. We currently run a modern fleet of modern machinery value of which is in excess of £500,000.

The holding also rears up to 120 store pigs at anyone given time, which are sold in our locally run family butcher's shop. Planning for the future we intend as we have done in previous years to invest further into modern machinery allowing us to keep the excellent reputation we have built with our customers over previous years, as well as this demand for local grown produce is at an all-time high we intend to further capitalise on this by increasing pig numbers producing more pork to meet the demand of our butchers shop customers.

The site owner and proposer of this building currently lives at 2 Park View Shafton which is a 3-bedroom semi-detached house that has no further room for extension. He is married with 3 children and another one on the way. He has explored the possibility of moving to larger premises within the area, however larger properties than he already has are either non-existent or out of his price range (rightmove extract attached). In conclusion the proposal is not only beneficial in creating a more secure agricultural environment for his business but an essential working accommodation for his family's situation in general.'

Drawing No.	Rev No.
NTV001 -003	B

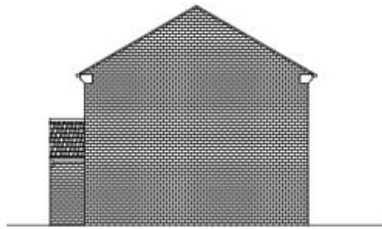


PROPOSED FRONT ELEVATION
SCALE 1:100 AT A3

PROPOSED END ELEVATION
SCALE 1:100 AT A3



PROPOSED REAR ELEVATION
SCALE 1:100 AT A3



PROPOSED END ELEVATION
SCALE 1:100 AT A3

DO NOT SCALE DRAWINGS TO CHECK DIMENSIONS OR HEIGHTS
AND VOLUMES OR AREAS

NOTES

1	Issue	1	10/10/20
2	Rev	2	07/10/20
3	Rev	3	07/10/20

Prepared by:
D. J. WOOD
Checked by:
D. J. WOOD
Date:
07/10/20
Scale:
1:100 AT A3
Project:
PROPOSED NEW AGRICULTURAL
TIED DWELLING

Drawn by:
MR. VOUDEN

PROPOSED ELEVATIONS

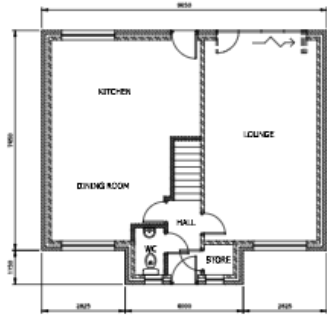
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SHAFTON
BARNESLEY
S72 8RE

PROPOSED NEW AGRICULTURAL
TIED DWELLING
PLANNING

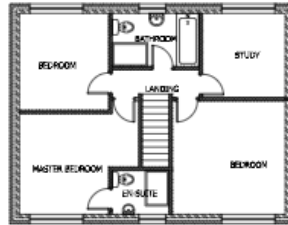
FIRST ISSUE

Author	Drawn	Scale	Project
D. J. WOOD	MR. VOUDEN	1:100 AT A3	PROPOSED NEW AGRICULTURAL TIED DWELLING
Issue	Rev	Date	Scale
003	B	07/10/20	1:100 AT A3

Drawing No.	Rev No.
NTV001 -004	B



PROPOSED GROUND FLOOR PLAN
SCALE 1:100 AT A3



PROPOSED FIRST FLOOR PLAN
SCALE 1:100 AT A3

DO NOT SCALE. REFER TO CHALK & WHITEBOARD FOR NOTES
BY ARCHITECTS AT A3

NOTES

1	PRELIMINARY	DATE	15/04/20
2	REVISED	DATE	15/04/20
3	REVISED	DATE	15/04/20

Mr. VODDEN
21 ENGINE LANE
SHAFTON
BARNESLEY
S72 8RE

Drawn By: MR. VODDEN

PROPOSED PLANS

21 ENGINE LANE
SHAFTON
BARNESLEY
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PROPOSED NEW AGRICULTURAL
TIED DWELLING

PLANNING

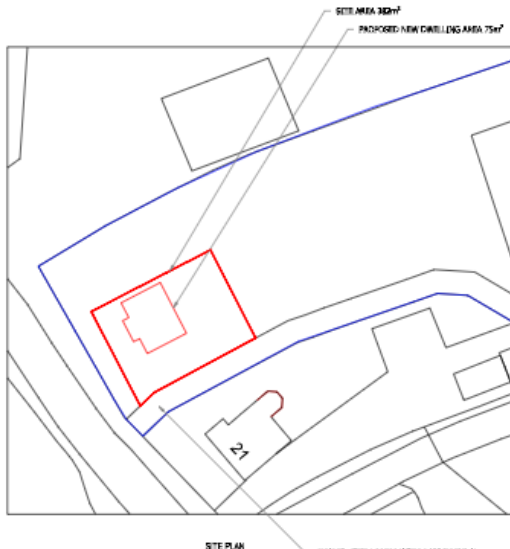
FIRST ISSUE

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Drawing No.	Rev No.
NTV001 -001	B



LOCATION PLAN
SCALE 1:2500 AT A3



SITE PLAN
SCALE 1:500 AT A3

DO NOT SCALE. REFER TO CHALK & WHITEBOARD FOR NOTES
BY ARCHITECTS AT A3

NOTES

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SITE PLANS

21 ENGINE LANE
SHAFTON
BARNESLEY
S72 8RE

PROPOSED NEW AGRICULTURAL
TIED DWELLING

PLANNING

FIRST ISSUE

Scale	1:500	1:500	1:500
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Policy Context

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations. The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

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 GB4 Permanent Agricultural and Forestry Workers Dwellings – states that:-

Proposals for agricultural and forestry workers dwellings will be allowed provided that:
They support existing agricultural or forestry activities on well established agricultural or forestry units;

There is clearly an established existing functional need which relates to a full time worker;

The unit and the agricultural activity concerned have been established for at least 3 years and profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so; 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

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 80: 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 147: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

Para 149: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:.....

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Consultations

Shafton Parish Council – No comments received

Ward Councillors – Cllr Ennis has no objections to the proposal

Highways – No objection subject to conditions

Yorkshire Water – No comments

Drainage – Details to be checked by Building Control

Pollution Control – No objection

Representations

The application has been advertised by way of a site notice and properties within the vicinity have been consulted directly in writing. No comments have been received.

Assessment

Principle of development

The site is within an area designated as Green Belt where the erection of new residential development is 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 GB4 specifically relates to 'Permanent Agricultural and Forestry Workers Dwellings' and states that:-

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

- They support existing agricultural or forestry activities on well established agricultural or forestry units;
- There is clearly an established existing functional need which relates to a full time worker;
- The unit and the agricultural activity concerned have been established for at least 3 years and profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so; 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.

In terms of compliance with Policy GB4, the information submitted with the application has been assessed against the following requirements:-

They support existing agricultural or forestry activities on well established agricultural or forestry units and the unit and the agricultural activity concerned have been established for at least 3 years and profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so.

The application states that the farm was purchased in in 1997 and the contracting business in 2010. The submission includes accounts for three years from 2018-2020, which includes details of the agricultural contracting business. The applicant has not clarified within the

submission, the extent to which the profitability of the agricultural work alone (the livestock and associated activity) demonstrates that the cost of the house can be justified. No details have been provided in terms of the cost to construct the dwelling and whether the agricultural business or the worker concerned would be able to support this.

There is clearly an established existing functional need which relates to a full time worker

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.

The submitted planning statement states that the holding rears up to 120 pigs and that the holding extends to approximately 20 acres. Pig movement records have been submitted, along with title deeds for the land and adjacent property 21 Engine Lane, however it is clear that the title deeds for the land are not in the applicant's name and no further details have been provided in terms of the owner of this land, whether they work on the site, or their interest in the site.

No further information has been provided in terms of the agricultural activities which take place on the land holding and no further details have been provided in terms of the labour requirements related to the livestock on the site. The application documents state that the business activities also include a well-established contracting agricultural business, 'providing essential services for surrounding farmers during busy periods, in which 100 hour working weeks are a regular occurrence.' The submitted documents do not detail the number of workers at the holding, their responsibilities or a calculation of their working hours. It is not clear from the information provided if the applicant is the main farm worker, or what their responsibilities are. It is also not clear if the need for a permanent worker on site is directly related to the agricultural use or the agricultural contracting use.

The submitted information does not clearly set out why there is an essential need to live on site and it does not set out who is employed to look after the animals when the applicant is elsewhere, working on the agricultural contracting business and butchers. If the applicant is the only person who looks after the pigs and he is absent for significant periods of time, then it cannot be case that there is an essential need for an agricultural worker to live permanently on site. The applicant has also not justified why it is necessary for them to live on site given that the pig rearing business has been operating for some time without the need to live on site.

In terms of the security of the site, the applicant states that there is a 'modern fleet of modern machinery value of which is in excess of £500,000'. Whilst the applicant has submitted receipts for recently purchased plant/machinery, it does not detail where the machinery is currently stored and the current security arrangements at the site. The submission does not make the case that the contracting business justifies the need to live in an isolated location and the fact that the business has been established in an isolated location does not mean that there is justification for a dwelling associated with it. It is felt that any case made that there is a need for a dwelling to provide security for the investment in agricultural contracting machinery should be given limited weight.

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 agent states that the applicant is 'married with 3 children and another one on the way.' The application also states that the current 3 bedroom dwelling is not suitable as it is not large enough, however the plans show that only 3 bedrooms are proposed within the proposed dwelling.

A Rightmove search of Shafton has been supplied, however insufficient evidence has been provided to show why the available properties are unaffordable or not suitable. Insufficient evidence has been provided to justify why a property within nearby Grimethorpe could not be used, particularly as the site is located so close to these settlements. No details have been provided in terms of rental properties available. Very limited weight can be given to any such personal need without justification.

Given the above, it is considered that is insufficient evidence to support that there is an essential need for an agricultural workers dwelling and therefore the development is not acceptable in principle contrary to policy GB4 of the Local Plan.

Visual Amenity

Policy GB4 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.

The dwelling proposed is a large two storey property and is approximately 146.6sqm in floor area and provides 3 bedrooms and a study. The previous refused application 2022/0483 proposed a dwelling of 153.9sqm, therefore the floor area of the dwelling has not been significantly reduced and has not been justified with this submission. As a general rule, agricultural workers dwellings approved historically in the Barnsley area range between 100sqm and 150sqm, depending on the functional requirements of the holding and this stance has been supported within past appeal decisions. In this instance, the functional requirements of the holding have still not been established. In addition to the above, the property is set within a curtilage of over 400sqm which has not been amended from the previous refusal. The curtilage is still considered to be significant and excessive.

The property put forward is a large two storey property, set within a large curtilage and in the absence of justification, would be inappropriate development which would harm the openness of the Green Belt.

Residential Amenity

The dwelling 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. The proposal should not cause any significant impact upon residential amenity.

Highway Safety

The Highways Officer has been consulted and has no objections to the proposal. The proposed detached agricultural workers dwelling is to be served via one of the existing farm accesses. The proposals include the widening of the access along with permeable surfacing works and the relocation of the gate further back into the site. Taking into consideration that the dwelling is for use by somebody working on the site, the number of additional vehicle trips resulting from these proposals will be minimal. The Block Plan indicates a paved area that is sufficient for the parking and turning of vehicles within the site. Therefore, taking into account

the overall improvement to the vehicular access from Engine Lane, the proposals are considered acceptable from a highways point of view.

Biodiversity

An Ecological Walkover Report has been submitted in support of the application. The document states that the site was found to predominantly comprise improved grassland field bound by a hedgerow and a treeline. No significant ecological constraints were identified during the survey.

The Council's Ecologist concurs with the recommendations made within section 4 and 5 of the Ecological Walkover Report, including the adoption of precautionary measures for nesting birds during construction works, a sympathetic lighting scheme for bats, the provision of bat and bird boxes onto new buildings/retained trees (these would ideally be integral to the proposed building) and the enhancement of the tree line to the north by supplementing existing gaps with native shrubs. These measures should be detailed within a Construction Environmental Management Plan (CEMP: Biodiversity) and a Biodiversity Enhancement Management Plan (BEMP) which should be secured by planning conditions. In addition to the recommendations made within the report, consideration should also be given to hedgehog, with paragraph 3.4.11 of the report noting potential for the site to support this species. Precautionary measures should be adopted for hedgehog during works and access gaps should be provided in any new fencing proposed, which may affect access for this species. The landscaping plan submitted as part of the application does not include the tree line to the northern boundary of the site. As detailed within the ecological walkover report, this should be retained and enhanced, with this feature providing a corridor to habitats beyond the site boundary.

The proposal is therefore considered to be acceptable in terms of Biodiversity and policy BIO1, subject to conditions.

Recommendation

Refuse