

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 3rd August 2005
AUTHOR/S: Director of Development Services

S/2497/04/O - Kingston Agricultural Dwelling at Kingston Pastures Farm for Mr S Parrish

**Recommendation: Refusal
Date for determination: 3rd February 2005**

Site and Proposal

1. The 0.1 hectare application site relates to land adjacent to the applicant's farm buildings in the countryside between Kingston and Wimpole Hall, at a short distance to the east of the A1198 Ermine Street. The site is set some distance back from the road, and is accessed through the farmyard. There is a farm pond to the north of the site. Kingston Pastures Farmhouse, a dwelling that stands forward of the site fronting Old Wimpole Road, does not form part of the farm holding. This is a Grade II listed building.
2. The proposal, received 9th December 2004, is for outline permission to erect a farm owner/ manager's dwelling. No details of the siting or appearance of the dwelling have been submitted. The proposed means of access is to an existing access onto Old Wimpole Road, thence through the farmyard. The case put forward in support of the application is set out below. All matters are reserved for further consideration.

Planning History

3. **S/1779/04/F** - extension and conversion of barn to form agricultural dwelling - withdrawn 15th October 2004 following concerns expressed by the occupiers of Kingston Pastures House and the Council's Conservation Manager.
4. The former owners of the farm sold off all three dwellings from the holding. In two cases, the buildings pre-dated 1948 and so were not restricted by planning permission to an agricultural occupancy. In the third case, at The Pastures, Old Wimpole Road, the occupancy condition was lifted after being unsuccessfully marketed for a period of twelve months (**S/0541/97/F**).

Planning Policy

5. **Planning Policy Statement 7: Sustainable Development in Rural Areas (2004)** states:

"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. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, 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. Whether this is essential in any particular case will depend on the needs

of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

- (a) New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:
 - (i) There is a clearly established existing functional need;
 - (ii) The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
 - (iii) The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
 - (iv) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
 - (v) Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

- (b) 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. Such a requirement might arise, for example, if workers are needed to be on hand day and night:
 - (i) In case animals or agricultural processes require essential care at short notice;
 - (ii) 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.

In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.

- (c) The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.

- (d) If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.

- (e) New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A *financial test* is

necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test, authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.

- (f) Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.
 - (g) Local planning authorities may wish to consider making planning permissions subject to conditions removing some of the permitted development rights under part 1 of the Town and Country Planning (General Permitted Development) Order 1995 for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use, given the income that the agricultural unit can sustain.
 - (h) Agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings, or other dwellings”.
6. **Policy P1/2** of the Structure Plan (2003) restricts new development in the countryside unless an essential case can be demonstrated.
7. **Policy HG16** of the Local Plan (2004) states:- “In the countryside (i.e. outside village frameworks defined in this Plan), new dwellings complying with (the former) Structure Plan 1995 **Policy SP12/1** will only be permitted on well-established agricultural units where it can be demonstrated that there is a clear, existing functional need relating to a full-time worker, and that suitable existing buildings in the area are not available or the conversion of appropriate nearby buildings would not provide suitable accommodation. Where a new dwelling is permitted, this will be subject to a condition ensuring the occupation will be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry or a widow or widower of such a person, and to any resident dependents.”
8. **EN28** (Development within the Curtilage or Setting of a Listed Building) - where development would damage the setting, well-being or attractiveness of a listed building, planning permission will be refused.

Consultations

9. **Kingston Parish Council:** objects to the proposal:
- “ 1. The proposed dwelling is outside the village envelope.
2. There is no evidence to support the necessity for a dwelling at the farm in order to operate the farm.

3. It is not clear why the existing dwelling is not available for use by the farmer. If this dwelling is no longer in agricultural use, the Parish Council wishes to know if the proper process was followed to achieve non-agricultural status.
4. The site for the proposed new dwelling is awkwardly sited behind the existing dwelling and in close proximity to it, and has poor access to the road."

10. **Senior Farms Manager, Cambridgeshire County Council ('SFM')**

The SFM has considered the evidence put forward with the application, and has spoken with the applicant. He has drawn attention to the specific requirements of Annex A of PPS 7 (as indicated in italics above). Initially he was unconvinced that the full functional need test has been met. The principal need arises from the rearing of game birds, which he assesses as being only "at times", this being during the rearing season from March-September. At other times the functional need is significantly reduced. In his opinion, this did not demonstrate that a worker is required to be on hand "at most times" (PPS7.A). Having received further evidence on this aspect, he has commented that he does not believe that the applicant has unequivocally demonstrated the functional need on agricultural grounds to live nearby. He would though, on balance (and only just) be prepared to suggest that he may be given the benefit of the doubt.

11. The SFM has considered accounts for years ending 31st July 2001-2004, based on ADAS methodology. Again, he does not consider that the financial test has been conclusively satisfied. With regard to the financial future of the enterprise, the SFN draws attention to the measures of Solvency Ratio (the ratio of assets to liabilities) and the Percentage Equity (the owner's stake in the business as a percentage of total assets), which are indicators of the business being likely to survive in the medium to long term. His findings are that these are lower level than necessary and indicate a slim safety margin. In 2002 and 2004 the profits were below the minimum agricultural wage. In 2003 a loss was made and in 2001 a more substantial profit. The SFN notes that the applicant's own accountant considers that "the business is currently financially sound and there is no reason at this stage to believe that it should not remain so". This is less committed than having "*a clear prospect of remaining so*" (PPS7.A para (iii) above), which he considers to be a matter of concern. The SFN would be willing to assess the accounts for the year ending 31st July 2005, when prepared.
12. New permanent dwellings should only be allowed to support "existing agricultural activities on well established units" (PPS7 Appendix A). Future plans to raise ducks and geese do not qualify as grounds for a functional need.
13. Protection of livestock from theft or injury is not in itself sufficient justification for a new dwelling (PPS7 Appendix A).
14. Four years is a comparatively short time for an enterprise to become "a well established agricultural unit" (PPS7 Appendix A).
15. The SFN would support the provision of a temporary agricultural dwelling to allow time for the business to be built up so that it could meet both functional and financial tests.
16. Copies of the SFM's reports are **attached**.
17. **Council's Conservation Manager:** Concerned about the impact of the dwelling on the setting of Kingston Pastures Farmhouse, an 18th century farmhouse which commands a prominent position in the countryside. He recommends refusal of the

application as not complying with Policy EN28. If Members wished to grant planning permission, the dwelling should be limited to single-storey height only, constructed of traditional materials and in the form of an agricultural outbuilding, not a barn.

18. **Council's Ecology Officer:** No objection provided that any new dwelling is sited at least five metres from the nearby pond.
19. **Council's Chief Environmental Health Officer:** Recommends conditions to be attached in the event of planning permission being granted, to protect adjoining residents from undue noise disturbance during the construction period.
20. **Environment Agency:** The site lies within an area of environmental concern. The EA recommends conditions to be attached to any planning permission granted to require submission of details of surface and foul water drainage.

Representations

21. **Applicant's Agent:** The supporting information with the application indicates that the applicant farms 53 hectares of land in cereal, and that he rears 15,000 game birds March - August. He keeps 600 partridges all year as laying birds in one of the buildings at the farm. He also carries out contract work for other farms, amounting to 1,670 hectares, including combining and grain carting. He has run the business since 2000. The business employs 2 persons full-time and 4 persons part-time. None is accommodated on the farm. The 2 F/T persons, which include the applicant, live five miles from the farm at Bourn, where the farm office is also located. When the farm was run by the applicant's father and uncle there were three dwellings available, but these were sold off in 1970 (approximately), 1994 and 1998. There is now no dwelling on the farm.
22. A dwelling is needed for the owner, so as to provide security for the game birds and agricultural premises and equipment, and for the cost-effective running of the business. Incidents of trespass and theft have occurred and have been reported to the police. The applicant has expanded the game bird and contracting sides of the business, but future expansion is hampered because the applicant does not live on the site. The applicant must arrive at the farm in the early hours of the morning and bed down the birds late in the evening. The inconvenience of travelling to the farm is having an adverse effect on the applicant's health.
23. The accounts show a profit for three of the four years that have been analysed. The agent considers that this shows that the business is capable of supporting at least one person full-time.
24. The applicant originally applied to convert existing buildings at the farm, but this was discouraged by the Council's Conservation Manager on the grounds of the effect on the setting of the adjoining listed house. A search for other accommodation in the vicinity has revealed that no property is available that would be suitable for the applicant and his family, and the needs of the holding.
25. The applicant's accountant has indicated that the labour paid out by the business plus the profit in respect of the year ended 31 July 2004 amounted to £43,333. In his view this sum would support at least one full-time agricultural worker, so meeting the financial test. Over the four years, the average annual sum paid out to labour by the business was £18,820.
26. The agent has disputed that it would be reasonable to allow the applicant to live on the site in a mobile home in order to give the business more time to grow. In his view,

the functional need for the dwelling over 7 months of the year, let alone the need for security and the keeping of retained birds over 12 months, does justify the provision of a permanent dwelling outright.

27. Copies of the agent's and accountant's submissions are **attached**.
28. Councillor Martlew requested that this application be referred to Committee.

Planning Comments - Key Issues

Functional Need

29. PPS7 Appendix A advises that the applicant's evidence should show that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. In the case of game birds, this need is clear for the rearing period (March - September). The case for year-round occupation relies upon the tending to retained partridges and the provision of security for farm equipment in response to reported thefts this year. The SFM is not persuaded that this evidence is unequivocal. He states that "he would though, on balance (and only just) be prepared to suggest that he may be given the benefit of the doubt". Policy HG16 requires a "clear existing functional need relating to a full-time worker" to be shown. Despite there now being no dwelling on the holding, I am not convinced, based on the evidence provided, and on the evidence of the SFM, that a clear and unequivocal case of a functional need has been made.

Financial Need

30. Advice in PPS7 Appendix A is that the Local Planning Authority should be satisfied that "the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so". Accounts for four years have been submitted, showing a profit for three of these years. The SFM is not persuaded that the return to unpaid labour to date is sufficient to meet the minimum agricultural wage for a full-time worker. He has doubts about the future viability of the enterprise, and he has not received a sufficiently complete assurance from the applicant's accountant about the future prospects of the business. The applicant has declined to provide either accounts for the current year ending 31 July, or a forward budget for the next 2-3 years as requested by the SFM, because four years' accounts have already been provided. Based on this advice, the requirements of the financial test have not been fully met, as required.
31. Both functional and financial tests need to be satisfied in order to justify an agricultural dwelling.

Siting and access

32. The position of the plot to the rear of Kingston Pastures Farm is a concern as it may affect the setting of the listed building. Further discussions are taking place with the agent to investigate alternative siting, however I consider that minimal harm would be caused if any new building were to be limited to single-storey height and designed as suggested by the Conservation Manager. The existing access onto Old Wimpole Road is adequate to take the additional traffic generated by the proposed dwelling.

Recommendation

33. Refusal

1. The proposal is contrary to Policies P1/2 of the Cambridgeshire and Peterborough Structure Plan (2003) and HG16 of the South Cambridgeshire Local Plan (2004) in that a clear, existing functional need has not been put forward to justify an agricultural dwelling on this farm holding.
2. Insufficient evidence has been put forward to meet fully the functional and financial requirements of Planning Policy Statement 7 (Sustainable Development in Rural Areas) to demonstrate that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times, and that the unit and the agricultural activity concerned are currently financially sound, and have a clear prospect of remaining so.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Policy Statement 7: Sustainable Development in Rural Areas (2004)
- Planning file Ref. S/2497/04/O

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