

<b>DELEGATED REPORT</b>	
<b>Application Reference:</b>	20/0924
<b>Description of Development</b>	Outline application for an agricultural workers dwelling, with all matters reserved.
<b>Case Officer</b>	Karen Thompson
<b>Appraisal</b>	
Site	<p>Land NW of Calthwaite known as Sceugh Dyke. The application relates to a field outside of the village of Calthwaite which is accessed off an unclassified road and along an un-adopted single width lane which serves two residential properties – ‘Grada’ and ‘West Winds’. The property ‘Hillcrest’ is situated adjacent to the junction to the un-adopted lane, but is accessed from the main highway.</p> <p>The application site is immediately to the north west of a residential property - ‘West Winds’.</p> <p>The site is immediately adjacent to two Public Right of Ways - no. 328021 extends along the eastern edge of the application site and no.328022 extends along the northern edge of the site.</p> <p>The site is not within a conservation area and there are no nearby listed buildings.</p>
Proposal	<p>This is an outline planning application for an agricultural workers dwelling, with all reserved matters.</p> <p>The main farmstead (tenanted) is at North Netherscales which is approximately 2.2 miles away from the application site. The applicant breeds Boer goats to sell for meat and has around 300 at any one time with some of them being kept on the field adjacent the application site. The application has been supported by a Business Report outlining details of the existing business and the need for a second agricultural workers dwelling on this land.</p>
Relevant Site History:	<p>19/0883 – Outline application for 1no. agricultural workers dwelling with all matters reserved – Withdrawn.</p> <p>20/0329 – Erection of multipurpose agricultural building – approved 3 August 2020. The building has been constructed.</p>
Policy:	<p><b>Eden Local Plan (2014-32)</b></p> <ul style="list-style-type: none"> <li>• HS3 – Essential Dwelling for Workers in the Countryside</li> </ul>

	<ul style="list-style-type: none"> <li>• DEV2 – Water Management and Flood Risk</li> </ul> <p><b>Supplementary Planning Documents</b></p> <ul style="list-style-type: none"> <li>• Housing (2020)</li> </ul> <p><b>National Planning Policy Framework (NPPF) 2019:</b></p> <ul style="list-style-type: none"> <li>• Achieving Sustainable Development</li> <li>• Plan Making</li> <li>• Decision making</li> <li>• Delivering a sufficient supply of homes</li> <li>• Making efficient use of land</li> <li>• Achieving well-designed places</li> </ul>
<b>STATUTORY CONSULTATION RESPONSES</b>	
Highway Authority	8 January 2021- no objection to the proposed development as it is considered that the proposal will not have a material effect on existing highway conditions. Given the location of the site and that access will be sought onto a private tarmac access road with no passing traffic at the point of connection CCC would have no objections or request for the inclusion of any planning conditions.
Lead Local Flood Authority	8 January 2021- no objections however recommends a condition requiring details of the surface water drainage.
<b>DISCRETIONARY CONSULTATION RESPONSES</b>	
Hesket Parish Council	15 January 2021 – no objections
United Utilities	22 December 2020 – the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Recommends the applicant to implement the scheme in accordance with the surface water drainage hierarchy set out in the NPPG.
Housing Officer	6 January 2021 – Proposal to comply with the criteria of Policy HS3 – Housing for essential workers in the countryside; Policy LS1 (Other Rural); and Para 79 of the NPPF which seeks to avoid the development of isolated homes in the countryside unless specific circumstances exist.
Environmental Health Officer	26 January 2021 – recommend the standard restriction on construction hours.
<b>NOTIFICATION RESPONSES</b>	
Application advertised by way of immediate neighbour notification	Site Notice posted and neighbour notification letters sent out. One letter of comment received advising that while they have no objection to the application they consider that 10-15

letter and site notice posted.	minutes once or twice a day checking the stock does not constitute a need for having a dwelling on site and the fact that there is a tiny caravan on site which is never used nor connected to mains services is a pointless distraction.
<b>OBSERVATIONS</b>	
<b>Main Issues:</b>	<b>Appraisal:</b>
Principle	<p>This is an outline planning application for an agricultural workers dwelling on land at Sceughdykes, Calthwaite.</p> <p>The Council's Housing SPD states that in accordance with Eden Local Plan Policy HS3 – Essential Dwellings for Workers in the Countryside - applications for dwellings to support agricultural and rural businesses will only be supported by the Council as an exception to the normal requirements of the Locational Strategy Policy LS1 in the Eden Local Plan. This position is supported by Paragraph 79 of the NPPF which seeks to avoid the development of isolated homes in the countryside unless specific circumstances exist and is seen to respond to changing agricultural practices and circumstances primarily within the rural area. Where countryside is referred to in Policy HS3 this means the Other Rural Area as described in Policy LS1.</p> <p>The Council's Housing SPD 2020 (para 4.1.2) advises that the need for a farm or rural worker's dwelling must be substantiated through the submission of information (an Agricultural Holding Assessment) on the existing functional need of the business; labour requirements; financial viability of the business; and the availability and suitability of existing dwellings to meet the existing functional need. The evidence should demonstrate that the business has a clear prospect of sustaining the employment of a full-time worker. The evidence provided is independently assessed by the Council and where such applications are approved they will be subject to a condition to ensure they remain available for agricultural and rural workers in perpetuity.</p> <p>A report has been submitted with the application which explains that the main farm steading at North Netherscales comprises 220 acres of tenanted and seasonal letting land, along with 67 acres of owned land (approximately 120 hectares). The farm operates as a beef and sheep production (125 cattle and 1070 sheep) and in 2004 an additional egg production enterprise was introduced which has a current level of 16,000 birds. Four years ago, the business decided to breed goats which is a relatively specialised field. The goat herd currently extends to 315</p>

head, which include 5 males, 150 breeding females with 100 males for meat and 60 kids. There are 45 of the goats kept in the new building (approved under 20/0329) which is adjacent to the application site. The applicant advises that unlike sheep, they do not have lanolin in their coats. Therefore, they must be inside in inclement weather. It is therefore a particularly labour intensive enterprise as they need to be housed for long periods. The farm has one dwelling on the farmstead for the farmer and his son (the applicant) rents a dwelling 7 miles from the farm in Newton Reigny.

In terms of labour requirement this extends to 7.58 full time persons to operate the holding. Current employees are the applicants father and the applicant and a further two full time employees plus casuals when the poultry sheds need to be cleaned out. The applicant deals specifically with the goats. The labour requirement is for two full time employees to reside on the holding.

There is currently one dwelling on the farm and the need for a second dwelling. Due to the farm being tenanted, a second house cannot be built on the tenanted land.

Financially, the business has been operational for many years, and the business is profitable and has every ability to continue as such.

There are no other dwellings on the holding, or traditional farm buildings to convert, and no other housing both suitable or available in the area. Furthermore, due to the welfare of the specialist goats and for security reasons, a dwelling is required on the land where the goats are kept.

An independent assessment was made under the previous planning application 19/0883 (which was withdrawn) for an agricultural workers dwelling on the same site and the following was concluded:

- There is a clearly established existing functional need on the land holdings;
- The farm has a labour requirement of around 5 full time workers;
- It is a financially viable business and confident that it will remain viable in the foreseeable future;
- In the interests of the wellbeing of the livestock, efficient running of the holding and security at the land holdings, it is essential that 2 of the full time works actively involved in the management of the unit, should be resident on the land holdings. At the

	<p>present time the existing farm house only meets the requirements to house 1 of those full time workers.</p> <ul style="list-style-type: none"> <li>• Normally it is recommended that any additional dwelling on a farm is located in close proximity to the existing farm steading. However, in this instance North Netherscales Farm is a tenanted farm and the landlord will not provide nor permit a new dwelling to be built because the farm solely of 58ha(143acres) does not have a labour requirement that justifies 2 workers to be resident on it. Therefore, the tenant is required to meet the need for a new dwelling on his own land.</li> <li>• It is important that the proposed livestock building is actually constructed and brought into use so that some of the functional need on the farm is located at the application site.</li> </ul> <p>An agricultural building which was approved under 20/0329 has since been constructed and is in full use.</p> <p>In terms of principle, a scheme for an agricultural workers dwelling in this case, is acceptable, subject to a condition that restricts the occupancy of the dwelling.</p>
<p>Scale &amp; Design &amp; Impact on the landscape/amenity of the area</p>	<p>This is an outline planning application with all matters reserved. Details of the scale, appearance, layout, landscaping and means of access will be required to be submitted under a Reserved Matters application.</p> <p>In line with Policy HS3 – Essential Dwellings for Workers in the Countryside – a condition is recommended that the dwelling is limited to a size of 150 sqm internal floorspace (gross) which includes garages where they are integral to the main building, unless it can be demonstrated that a larger dwelling is needed to support the farm enterprise. An appropriately worded condition to address this requirement is recommended, along with a condition removing permitted development rights for extensions and the erection of freestanding buildings (in line with the Housing SPD). These conditions are considered appropriate to ensure that the value of the property remains generally attainable for rural workers in perpetuity.</p> <p>The application site is at the end of a row of three dwellings and will therefore be viewed as a continuation of this small building group rather than being entirely isolated.</p> <p>The design and layout of the dwelling will be required to satisfy the aims of Local Plan Policies DEV5 – Design of New Development and ENV2 – Protection and Enhancements of Landscapes and Trees.</p>

Impact on the living conditions/amenity of neighbouring residents	<p>This is an outline planning application with all matters reserved. The issue of design and layout will be considered at the next planning stage.</p> <p>The adjacent residential property has a large side garden and an integral garage nearest to the location of the proposed dwelling. It is considered that a design of the proposed dwelling can be constructed without having an impact on the living conditions/amenity of the neighbouring residents.</p>
Impact on the character and appearance of the built environment (LBs/CA)	<p>The site is not within a conservation area and there are no nearby listed buildings.</p>
Impact on the natural environment (species/habitats)	<p>The application site is located within an open field. It is considered that a dwelling in this location would have a very low impact on the natural environment.</p>
Infrastructure (Highways/Drainage)	<p>The application site is adjacent to two Public Rights of Way that run along two edges of the field, including the side of the proposed dwelling. An informative is recommended to ensure that during and after construction of the dwelling the definitive footpath is not encroached upon.</p> <p>The lane from the U3032 to the site is owned by the applicant and the residents of the three properties on the lane have access over it. The Highway Authority have not raised any issues to the proposal.</p> <p>Policy DEV2 – Water Management and Flood Risk – requires that new development must incorporate Sustainable Drainage Systems (SuDS) where practicable, to manage surface water run-off. No details of drainage have been submitted at this stage however the applicant has advised that surface water from the proposed dwelling will be managed through an adequate soakaway or other form of infiltration system on the site.</p> <p>The Lead Local Flood Authority has no objections however recommends a condition requiring details of the surface water drainage. United Utilities has advised also that drainage details are required and that foul and surface water should be on separate systems.</p> <p>Drainage is not a reserved matter and therefore it is appropriate to attach such relevant conditions to the outline application.</p>

<b>Conclusion</b>	<p>The proposal will provide for an agricultural worker's dwelling, the need for which has been evidenced through supporting information which has been independently verified. It is deemed that the plot can be developed without detracting from the character of the area, impacting on neighbouring amenity, or increasing flood risk. The proposal is in accordance with the development plan and its benefits are not outweighed by other material considerations, and therefore the application is recommended for approval.</p>
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<b>RECOMMENDATION</b>	<p>That the application is granted subject to the following conditions:</p> <p><b>Time limit for commencement</b></p> <ol style="list-style-type: none"> <li>1. The development permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. <b>Reason:</b> In order to comply with the provisions of the Town and Country Planning Act 1990</li> <li>2. Application for approval of all reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. <b>Reason:</b> In order to comply with the provisions of the Town and Country Planning Act 1990.</li> <li>3. Approval of the details of the scale, layout, and external appearance of the building (s), means of access thereto and the landscaping of the site (called "the reserved matters") shall be obtained from Local Planning Authority in writing before any development is commenced. <b>Reason:</b> The application is in outline form only and is not accompanied by full detailed plans.</li> </ol> <p><b>Approved Plans</b></p> <ol style="list-style-type: none"> <li>4. The development hereby granted shall be carried out in accordance with the drawings hereby approved: <ol style="list-style-type: none"> <li>i) Location plan drawing no. D015A Plan 1 received 30 November 2020</li> <li>ii) Site block plan drawing no. D015A Plan 1 received 30 November 2020</li> </ol> <b>Reason:</b> To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission. </li> </ol>
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### **Before the development is commenced**

5. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

### **Pre-occupancy or other stage conditions**

6. Construction works shall be carried out only between 0800 – 1800 hours Mondays – Fridays; 0900 – 1300 hours on Saturdays and there shall be no activity on Sundays and Bank Holidays.

**Reason:** To safeguard the amenity of residents living nearby.

7. Foul and surface water drainage shall be separate systems.

**Reason:** To secure proper drainage and to manage the risk of flooding and pollution.

8. The dwelling hereby approved shall be limited to a size of 150 sqm internal floor space (gross).

**Reason:** To ensure that the dwelling hereby approved is of a size which ensures that the value of the property remains generally attainable for rural workers in perpetuity.

### **Ongoing conditions**

9. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or any subsequent equivalent statutory provision,

	<p>or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.  <b>Reason:</b> The site is in an area where the policy of the local planning authority is not to permit residential development and the condition is design to ensure that the proposed dwelling is available to meet the agricultural or forestry need for which the exception was made.</p> <p>10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 1 (or any Order revoking and/or re-enacting that Order), no development which increases the floor area of the dwelling hereby approved shall be carried out without the prior permission of the Local Planning Authority, obtained through the submission of a planning application.  <b>Reason:</b> To ensure the floor area of the dwelling is limited to 150 sqm in accordance with Policy HS3 of the Eden Local Plan and the Eden Housing Supplementary Planning Document 2020.</p> <p>11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Schedule 1, Part 1 (or any Order revoking and/or re-enacting that Order), no buildings or structures, other than those permitted under this permission, shall be erected within the garden hereby permitted.  <b>Reason:</b> To ensure the development accords with the Eden Housing Supplementary Planning Document 2020</p>
<p><b>Note to developer:</b></p>	<p>1. This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement.</p> <p>It is the applicant's responsibility to ensure all necessary agreements are in place prior to the commencement of development.</p> <p><b>Informatives</b></p> <p>1. Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. The Council's Building Control Team should be consulted before works commence. You contact the team directly at <a href="mailto:building.control@eden.gov.uk">building.control@eden.gov.uk</a></p>

	<ol style="list-style-type: none"><li data-bbox="651 168 1460 492">2. The application site is immediately adjacent to two Public Right of Ways - no. 328021 extends along the eastern edge of the application site and no.328022 extends along the northern edge of the site. The developer shall ensure that the PROW's shall not be encroached upon or stopped up during and after construction of the dwelling. For further advise, please contact Cumbria County Council Public Rights of Way Officer.</li><li data-bbox="651 504 1460 705">3. This is an outline planning permission which requires a further planning application to be made to the local planning authority prior to works commencing, to deal with matters relating to the reserved matters - scale, appearance, layout, landscaping and means of access.</li></ol>
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