



## OFFICER REPORT

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Application Number: 19/01616/FUL

Proposal: New agricultural worker's dwelling

Location: Hurst Farm West Fen Road Ely Cambridgeshire CB6 2BZ

Applicant: AJ Lee and Sons

Agent: Landscape Land And Property Ltd

Case Officer: Rachael Forbes

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### **The Application:**

The application seeks permission for a new agricultural workers dwelling in connection with Hurst Farm. The proposal seeks a single storey dwelling on a plot of land adjacent to Hurst Farm.

### **Relevant Plans:**

Plan Reference	Version No	Date Received
EDG/19/023 1	A	19.11.2019
EDG/19/023 2	A	19.11.2019
EDG/19/023 3	A	28.11.2019

### **The Site and its Environment:**

The application site is located across the A10 from Ely, outside of the development envelope and therefore considered to be in the countryside. The proposed dwelling would be accessed via a Public Right of Way. The larger site comprises of two existing farm houses, farm buildings and fields.

### **Planning History:**

03/00286/FUL	Erection of Dutch barn	Approved	28.04.2003
76/00197/OUT	ERECTION OF AN AGRICULTURAL BUILDING	Refused	13.05.1976

82/00236/OUT	ERECTION OF AN AGRICULTURAL DWELLING	Approved	16.07.1982
82/00511/RMA	ERECTION OF A DWELLING FOR AGRICULTURAL OCCUPATION	Approved	16.09.1982
88/00583/FUL	EXTENSION	Approved	01.06.1988
88/00880/FUL	EXTENSION	Approved	27.07.1988

### **Replies to consultations:**

A site notice was displayed near the site on 6 December 2019 and a press advert was published in the Cambridge Evening News on 12 December 2019. No neighbours have been consulted on this application.

### **Asset Information Definitive Map Team -**

Thank you for consulting us on the planning application above. Please note Public Byway No. 45, Ely forms the vehicular access.

The applicant should be aware of the presence of the public byway, its legal alignment and width.

Whilst the Definitive Map team do not have any objection to the principle of development and an additional access being made from the public byway, the applicant will require the consent of the County Council to provide access from the public byway. The County Council will need to understand and consent to the proposed access design. No alteration to the public byway's surface is permitted without our consent (it is an offence to damage the surface of a public byway under s 1 of the Criminal Damage Act 1971).

A condition has been recommended for a Public Rights of Way scheme which is considered essential in securing the necessary safeguarding of the public highway:

### **Local Highways Authority - 9 December 2019**

The access to this development is off Byway 45 & 47 therefore I would recommend that the CCC RoW team are consulted prior to the determination of this application.

### **CCC Growth & Development -**

No Comments Received

### **Waste Strategy (ECDC) - 30 December 2019**

East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

## **Cambridge Ramblers Association -**

No Comments Received

## **The Ely Group Of Internal Drainage Board - 12 December 2019**

This application for development is within the Littleport and Downham Internal Drainage District.

The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District.

## **Parish - 17 December 2019**

The City of Ely Council has no concerns with regards to this application.

## **Consultee For Other Wards In Parish -**

No Comments Received

## **Ward Councillors -**

No Comments Received

## **The Planning Policy Context:**

### *East Cambridgeshire Local Plan 2015*

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
HOU 5	Dwellings for rural workers
ENV 1	Landscape and settlement character
ENV 2	Design
COM 7	Transport impact
COM 8	Parking provision

### *Supplementary Planning Documents*

Design Guide  
Developer Contributions and Planning Obligations

### *National Planning Policy Framework 2019*

2	Achieving sustainable development
5	Delivering a sufficient supply of homes
11	Making effective use of land
12	Achieving well-designed places
15	Conserving and enhancing the natural environment

## **Planning Comments:**

The main considerations in the determination of this application are the principle of development, visual amenity, residential amenity and highway safety and parking.



### Principle of Development:

The site is located in the countryside, outside of the development envelope of Ely, where development is strictly controlled. The development of the site would therefore conflict with Policy GROWTH 2 of the East Cambridgeshire Local Plan in so far as it seeks to focus new housing development within defined settlement boundaries. As the Council cannot demonstrate a 5 year supply of housing land Policy GROWTH 2 cannot be considered up to date in so far as it relates to the supply of housing land. In this situation, the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted. However, proposals for agricultural workers dwellings are catered for within Policy HOU 5 of the Local Plan.

National policy advises that new homes should be avoided in the countryside other than in a limited number of defined circumstances, one of which is where there is the essential need for a rural worker to live permanently at or near their place of work. Policy HOU 5 is consistent with that advice and sets out a number of criteria relevant to proposals for rural workers. In light of the above the main issue to consider in determining the application is whether there is an essential need for an additional rural worker to live on site. Critically, it must be demonstrated that the dwelling is essential to the needs of the business (i.e there is a need for one or more of the workers to be readily available at most times). There must also be no other accommodation within the site/holding or nearby which is currently suitable and available, or could be made available. If these tests can be met then it must be demonstrated that the enterprise has been established for at least three years and is, and should remain financially viable and that the size of the dwelling proposed is no larger than required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income the enterprise can sustain.

Part one of Policy HOU 5 requires applicants to demonstrate that a dwelling is essential to the needs of the business. To meet this test the applicant must be able to demonstrate that it is essential for the proper functioning of the business for three workers to actually live on the site most of the time. 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, for example, by frost damage or the failure of automatic systems.

### The Enterprise:

Paragraph 3.1 of the planning statement accompanying the application states that the dwelling is needed to house a full time worker employed to supervise the livestock enterprise, particularly the beef fattening unit and to help run the successful agricultural business. Paragraph 5.3 states that the scale of the operation means a qualified and experienced stockman needs to be employed full time, particularly to assist with calving but also to take over the fattening unit.

Paragraph 3.3 goes on to state *'The business has expanded significantly in the last two years to a point that the use of seasonal and part-time labour is no longer sufficient to run the business and the business relies heavily on both partners to undertake out-of-hours activities – mainly evenings, night-time, weekends and holidays – in order to feed and tend to animals as well as receive deliveries of livestock out of-hours'*.

Paragraph 3.4 sets out that the number of breeding cows has exceeded 150 cows and with winter calving this equates to one calf born daily during the November to March housing period. It goes on to say:



*'As such it requires staff to work a virtual night shift pattern to anticipate and deal with night time births. The introduction of the beef fattening unit will increase labour demand and put additional strain on existing work practices such that a full time employee is essential rather than relying upon contractors and temporary/casual employment'.*

The planning statement also sets out that there are security issues as the farm has suffered from theft and vandalism incidents and several major arson incidents have occurred on farms in the locality.

The planning statement states that while there are existing dwellings on site, the numbers of animals including breeding cattle is such that for animal welfare purposes and the needs of the farm, which has recently expanded, a further essential worker is needed.

The planning statement sets out that when handling cattle the HSE recommend that there are at least two people present if you have to separate an animal from the herd in the field and when handling bulls they recommend that two people are present.

Further information has been provided setting out that the unit has expanded over the course of 40 years, additional land has been purchased and a total of 17 large buildings have been erected, all associated with cattle operation. The most recent of these was erected in 2019 and will include a new specialist 'cattle race' handling system and that this race system requires two people to operate it properly. The additional information also sets out that the livestock numbers have grown over a long period of time with breeding cow numbers at 160 and six stock bulls.

The additional information further explains that during the calving and winter housing period, the cow's need virtual round the clock attention, as calving occurs on almost a daily basis. It goes on to say that most proceed without intervention and during normal night times one member of staff can cope with the routine. However, around 15% of calving's require more intensive intervention where a second and sometimes third person is needed to assist.

It goes on to say that it is the additional night time work that requires the third member of staff to be on hand should an emergency occur, which is sufficiently often that two members of staff cannot be both on call and available during the normal working day, without adequate rest periods to manage the more routine daytime activities of feeding and handling. It sets out that the applicant is now reaching an age where he finds regular night time work too difficult. However he is still able to work during the day time and be on call for emergencies but not working nights.

The additional information sets out that during more routine times the need is based around two people but with additional grassland management work, handling, transporting and storing large amounts of feed, bedding and manure, there is sufficient work for 3 full time people. It further states that work with cattle often requires two or more people in order to carry out tasks safely and efficiently, indeed the Health and Safety Executive require it particularly for handling bulls and using cattle races etc.

#### Analysis:

There are already two dwellings at the site and therefore there is already an on-site presence of two workers when emergency situations arise. There is also the correct number of people already present at the site for the situations set out in the paragraph above. The farm is located close to Ely and it is considered that employees could be housed in Ely and called to the site if necessary. There is also a veterinary surgery in very close proximity to the farm which caters for farm animals.

Paragraph 8.6 of the planning statement sets out that the applicants have found it difficult to recruit a permanent member of staff without being able to offer a permanent dwelling on site to allow for the routine anti-social hours. Recruitment issues are not a material planning consideration and would not give weight to the case to grant an agricultural workers dwelling.



Furthermore, the security issues would add little weight as there are security measures that could be taken and there are already two dwellings at the site and therefore there is already an onsite presence.

While it is acknowledged that there may be sufficient work for three members of staff at the site, it is considered that there is no essential need for a further agricultural worker to live at the site. There are two dwellings already at the site for agricultural occupation. Furthermore, the Local Planning Authority cannot take the personal circumstances of the applicant into account. The additional information states that a third person is *sometimes* required; should a third person be required they could be called from elsewhere.

It is concluded that in respect of the essential need for a third dwelling on this holding that it is not essential for a third worker to live on site to meet the needs of the business. A third worker can live nearby and still be called upon should an emergency arise that two workers cannot deal with.

Furthermore, the stated need for the critical presence during winter calving which only exists for five months of the year. For the rest of the year the need for an additional worker to live on site is further diminished.

The proposal therefore fails the essential needs test of the policy.

Part two of Policy HOU 5 requires that it can be demonstrated that the enterprise has been established for at least three years and is and should remain financially viable. The planning statement sets out that the farm has been in operation in excess of 30 years and accounts have been provided showing that the farm makes a profit. It is considered that this point of the policy has been met.

Part three of Policy HOU 5 requires that there is no other accommodation within the site/holding or nearby which is currently suitable and available. The site is on the edge of Ely, a main settlement within the district, with housing on the opposite side of the A10, within one minutes' drive. In respect of the accommodation being currently available, there are 4 properties for sale and 1 for rent within a three minute drive. The additional information submitted by the applicant sets out that a property in Ely would be out of 'sight and sound' of the farm and any animals in distress and that it would be too difficult and therefore unreasonable to expect a worker to come and go at night on a regular basis. While it is acknowledged that a dwelling in Ely would not be within sight and sound, it has been mentioned within the additional information that there is an on-call system. Also, if a worker was undertaking a night shift and it was within the job description to check on the animals regularly during the night it would not be unreasonable to expect them to do this.

In any event, the location of the proposed dwelling is somewhat removed from the main farm complex and not within sight and sound of the animals.

The additional information goes on to say that there is further concern that the cost of properties in Ely might prove prohibitive for an agricultural worker on normal farm wages. Part 5 of Policy HOU 5 states that the proposed on site dwelling should not be unusually expensive to construct in relation to the income the *enterprise* could sustain, therefore it is considered that whether a property in Ely would be prohibitive would be based on the enterprise income and not the individual workers salary.

Part four of Policy HOU 5 requires that a dwelling or building suitable for conversion within the site/holding has not been sold on the open housing market without an agricultural or other occupancy condition in the last five years. It is considered that this part of the policy has been met.

Part five of Policy HOU 5 requires that the proposed dwelling be no larger than that required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income that the enterprise could sustain. The dwelling proposed is a two bedroom, single storey



property, which is small in scale. However, the curtilage proposed is large; the site is 0.1 hectares which equates to 1,000sqm and a domestic curtilage of this size would not be supported.

Part six of Policy HOU 5 requires that the proposed dwelling is sensitively designed and in keeping with its surroundings and would adversely affect the setting of a heritage asset. The dwelling is considered to be of an appropriate design and of an appropriate scale, form and mass. There are no heritage assets in close proximity to the proposed dwelling. Therefore, the proposal is considered to comply with this part of the policy.

Part seven of Policy HOU 5 requires the dwelling to have satisfactory access. The Local Highway Authority have been consulted as part of the application and have raised no objections. Therefore, it is considered that this part of the policy has been met.

Part eight of Policy HOU 5 requires that the proposed dwelling is well landscaped, sited to minimise visual intrusion and in close proximity to existing buildings to meet the functional needs of the business. The proposed dwelling would be visible as the boundary treatment is an open fence but would not be highly visible from a wider view due to the vegetation present in front of the site. While the dwelling is in close proximity to the existing buildings, it does not relate particularly well to them as it is oddly positioned in the field; however, the proposal meets the requirements of this part of the policy.

It is considered that there is not an essential need for the proposed dwelling. There are two dwellings on site and therefore there is an on-site presence to deal with emergencies and security issues. Furthermore, the site is in close proximity to Ely and it is considered that an employee could live in Ely and reach the site quickly if the need arose. The proposal is therefore considered contrary to HOU 5 of the East Cambridgeshire Local Plan, 2015.

#### Visual Impact:

Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

The proposed dwelling is situated in a field to the front of the site. The dwelling proposed is single storey and when measuring the elevations is approximately 13.2 metres in width, 5.7 metres in height and 12.7 metres in depth. It is considered that the proposed dwelling is of an appropriate scale, form and mass; the two existing dwellings at the site are both two storey. The materials proposed are brick walls and tile roof – further materials details could be secured by condition. It is considered that given the height of the proposed dwelling that it would not be highly visible from a wider view given the vegetation that is in front of it.

Although the dwelling is in close proximity to the existing buildings, it does not relate particularly well to them; it is set approximately 20 metres from the north boundary, 11 metres from the east boundary and 24 metres from the north west boundary at its closest points. Furthermore, the site area is 1,000sqm and the curtilage proposed is unacceptable as it would result in encroachment into the countryside in the form of a large residential garden. While permitted development rights could be removed for garden buildings, however, the Local Planning Authority would have no control over domestic paraphernalia as it is not development but would result in encroachment into the countryside. The access is also proposed to be approximately 45 metres from the dwelling; it is considered likely that this is due to the existence of the field access being in this location.

While it is considered that the design and scale of the dwelling would not result in harm to the character and appearance of the countryside, the positioning of the dwelling and the large curtilage



would be considered to result in encroachment into the countryside in such a manner that would be harmful to the character and appearance of the area and is therefore considered contrary to Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

#### Residential Amenity:

Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.

The proposed dwelling would have one adjacent neighbour, Hurst Lodge, which is one of the existing dwellings at the site. Hurst Lodge has windows on the side elevation facing the piece of land where the dwelling is proposed and therefore the land behind the proposed dwelling would be directly overlooked. However, given the size of curtilage proposed, it is considered that there is ample room for private amenity space which would not be overlooked by the windows. There is approximately 35 metres between the side windows and the windows in the rear elevation of the proposed dwelling.

It is considered that given the distances between the proposed dwelling and the neighbouring property that the proposal would not result in an overshadowing, overlooking or overbearing impact.

The Design Guide SPD states that building plots should be 300sqm and built form should take up no more than one third of the plot. Private amenity space of 50sqm should be provided. The plot far exceeds 300sqm and the built form takes up less than a third of the plot. The garden size shown in excess of 50sqm.

The proposal is not considered to result in a significant impact to the residential amenity of neighbours or occupiers and is therefore considered to comply with policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

#### Highway Safety and Parking:

Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. The Local Highway Authority have been consulted as part of the application and have commented that the access to this development is off Byway 45 & 47 and therefore they would recommend that the Definitive Map Team are consulted prior to determination of the application. The Definitive Map Team has no objections to the proposal, however the applicant will require consent from the County Council to provide access from the public byway. A condition has been recommended for a Public Rights of Way scheme which is considered essential in securing the necessary safeguarding of the public highway:

Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards. The plan does not show parking however it is considered that there is ample space to the front of the dwelling for two cars to park and turn.

The proposal is therefore considered to comply with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.

#### Planning Balance:

The proposed additional dwelling to serve the farm enterprise is not justified as it is not essential to meet the needs of the business to have another full time worker living on site to supervise the beef fattening unit and day to day running of the farm. The proposal is therefore contrary to Policy HOU 5, not only because of need but because the site is close to Ely and therefore workers could be housed nearby within a settlement. Neither could the dwelling meet the aims of sustainable



development being sited on the edge of Ely where there is ample housing and would require the use of the car for the majority of journeys. It would be contrary to GROWTH 2 and COM 7 and the policies of the Framework that promote sustainable transport.

The proposal also conflicts with policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 as it proposes a large curtilage which would extend residential use into the countryside in a manner which would result in encroachment.

The proposal is therefore recommended for refusal.

### **RECOMMENDATION:**

#### **Refuse**

- 1 A need for an additional permanent dwelling for a rural worker has not been adequately justified in line with the requirements of Policy HOU 5 of the East Cambridgeshire Local Plan, 2015. The proposal does not meet the functional test as the additional dwelling is not essential to meet the needs of the business, contrary to Policy HOU 5. Furthermore, the site is in close proximity to Ely and it is considered that an agricultural worker could live close to the site as to be able to attend in an emergency situation.
- 2 The proposal is considered to be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 as the proposed dwelling does not relate well to the existing built form and the large curtilage of 1,000sqm proposed would result in encroachment into the countryside in the form of a large residential garden in such a manner that would be harmful to the character and appearance of the area by the introduction of a domestic use.

Signed: Rachael Forbes

Dated: 06/02/2020

Case Officer

Planning Manager

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B.  
6/2/2020