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**MAIN CASE**

**Reference No:** 18/00397/FUL

**Proposal:** Conversion of bungalow into two separate dwellings - Plot No.1 open market & Plot No.2 agricultural occupancy.

**Site Address:** Orwell Pit Farm Bungalow Downham Road Ely  
Cambridgeshire CB6 2SJ

**Applicant:** W R Jackson & Son

**Case Officer:** Oli Haydon Planning Officer

**Parish:** Ely

**Ward:** Ely North  
Ward Councillor/s: Councillor Mike Rouse  
Councillor Elaine Griffin-Singh  
Councillor Andy Pearson

**Date Received:** 28 March 2018      **Expiry Date:** 8<sup>th</sup> June 2018

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**1.0 RECOMMENDATION**

1.1 Members are recommended to REFUSE this application for the following reason:

1. A need for a permanent dwelling for a rural worker has not been adequately justified in line with the requirements of Policy HOU5 of the East Cambridgeshire Local Plan 2015 and LP31 of the Submitted Local Plan 2017. The proposal does not meet the functional test in demonstrating an essential need and is therefore contrary to policy HOU5 of the East Cambridgeshire Local Plan 2015, LP31 of the Submitted Local Plan 2017 and paragraph 55 of the National Planning Policy Framework.

**2.0 SUMMARY OF APPLICATION**

2.1 The application seeks consent for the subdivision of an existing bungalow at Orwell Pit Farm, Downham Road, Ely to provide mixed tenure accommodation. One half of the bungalow would be retained as open market housing and the other half will be used to provide a dwelling for a farm worker.

2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

**Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

- 2.3 The application is a resubmission of a previous Committee refusal (17/01348/FUL). The proposal was refused on the grounds of failing to adequately justify the need for a permanent dwelling for a rural worker. In addition to this, the previously submitted agricultural justification considered that agricultural occupancy condition “would inhibit the flexible use of the housing stock at the farm” and therefore did not wish to have such a restriction on the property. This resubmission has accepted that an occupational condition will be attached to any approval.
- 2.4 The application was called-in to Planning Committee by Cllr Rouse as there are ‘issues that are broader than the strict interpretation of planning rules’.

3.0 **PLANNING HISTORY**

3.1

17/01348/FUL	Conversion of bungalow into two separate dwellings for agricultural purposes	Refused	07.12.2017
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4.0 **THE SITE AND ITS ENVIRONMENT**

- 4.1 The site comprises a single-storey dwelling located at the entrance to Orwell Pit Farm. The dwelling is located approximately 280m down the access track off Downham Road, between Ely and Little Downham. The site is located outside the development envelope for Ely.
- 4.2 The site contains three other residential properties in the form of a semi-detached pair within the farm yard and a detached two-storey cottage located adjacent to the application site.

5.0 **RESPONSES FROM CONSULTEES**

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

**City of Ely Council** – No concerns raised.

**Ward Councillors** – Cllr's Rouse and Schumann wished for the application to be determined at Planning Committee due to the issues raised and the previous determination of the application at Committee.

**Local Highways Authority** – The highways authority have no objection in principle. The development is accessed off a private road which is an existing access with the highway.

**CCC Growth & Development** - No Comments Received

**Waste Strategy (E CDC)** – No objections subject to informatives.

## **Consultee For Other Wards In Parish - No Comments Received**

5.2 **Neighbours** – Four neighbouring properties were notified, a site notice was posted and an advert was placed in the Cambridge Evening News and no responses were received.

### **6.0 The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
HOU 5	Dwellings for rural workers

6.2 Supplementary Planning Documents

Design Guide

6.3 National Planning Policy Framework 2012

- 3 Supporting a prosperous rural economy
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2017

LP31	Development in the Countryside
LP3	The Settlement Hierarchy and the Countryside
LP16	Infrastructure to Support Growth
LP1A	presumption in Favour of Sustainable Development
LP22	Achieving Design Excellence
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP26	Pollution and Land Contamination
LP17	Creating a Sustainable, Efficient and Resilient Transport Network

### **7.0 PLANNING COMMENTS**

#### **7.1 Principle of Development**

7.1.1 The National Planning Policy Framework promotes sustainable development and states at Paragraph 49 that new housing applications should be considered in the

context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.

- 7.1.2 The adopted Local Plan aspires to deliver managed and sustainable growth over the plan period to 2031. For the rural areas the Local Plan seeks to deliver new housing in appropriate locations to meet local needs. In doing so, the Plan identifies those rural settlements where some new development within defined settlements will in principle be appropriate. These settlements are the subject of Vision Statements which set out the growth aspirations for each one. The Local Plan seeks to prevent new development taking place outside the defined settlements unless certain specific exemptions are met.
- 7.1.3 The Council is currently preparing a replacement Local Plan covering the period from 2016 to 2036. At a meeting of Full Council held on 5<sup>th</sup> October 2017, Members considered an updated report on the latest draft of the emerging replacement Local Plan (the 'Submitted Local Plan') accompanied by a Five Year Housing Land Supply Report. This report was agreed by Council, which has established that East Cambridgeshire District now has a five year housing land supply; currently calculated to be 6.94 years. Consequently, Paragraphs 14 and 49 of the Framework are not engaged and the housing supply policies contained in the Local Plan are no longer considered to be out of date. Paragraph 11 of the Framework makes it clear that the Framework does not change the statutory status of the development plan as the starting point for decision making. This states that "proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise". The Framework is one such material consideration and should be taken into account.
- 7.1.4 Adopted policy GROWTH 2 and emerging policies LP1 and LP3 all seek to manage new development so that it takes place in sustainable locations. In respect of open market housing, these are considered to be within defined settlements where there is ready access to shops, services and facilities that meet the day to day needs of those communities. Policy GROWTH 2 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with more limited development taking place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. It then states that outside of these settlements new development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development outside these settlements will not be permitted except where it complies with a limited range of specified categories detailed in that policy.
- 7.1.5 Proposals for agricultural workers dwellings are catered for within Policy HOU 5 of the Local Plan 2015 and LP31 of the Submitted Local Plan 2017. This allows for permanent dwellings in the countryside for full time workers as an exception to the

normal policies of control providing certain criteria are met. 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 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 then 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 dwelling proposed is of a size 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 can sustain.

## **7.2 Essential Need**

- 7.2.1 To meet this test the applicant must be able to demonstrate that it is essential for the proper functioning of the business for one or more workers, to actually live on the site most of the time. This normally equates to the need for a full time worker. 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.
- 7.2.2 The applicant has provided supporting documentation in the form of an agricultural appraisal prepared by Peter Chillingworth, a Rural Planning Consultant.
- 7.2.3 The agricultural justification provided is the same as the previous application (17/01348/FUL) albeit with a willingness to have an agricultural occupancy condition applied to the newly created residential unit in one half of the existing bungalow.
- 7.2.4 The agricultural justification behind the subdivision is outlined as follows:
- W R Jackson & Son operate 506ha (manage a further 1012ha) of mainly arable crops based principally on potatoes and sugar beet.
  - The business also runs a beef suckler herd of cattle, with 110 cows. The cows calve within the yard at Orwell Pit Farm during the winter months and early spring.
  - The business employs 7 full-time workers; Christopher and Teresa Jackson live 0.5 miles from the site at a dwelling at Downham Road Farm, where the farm office is located. Thomas Jackson, who runs the arable side of the enterprise, lives at Orwell Pit.
  - The farm foreman and a tractor driver lives in a pair of semi-detached cottages on the farm.
  - The bungalow on site is occupied by a veterinary surgeon and its subdivision will allow the vet to continue living in the dwelling with the newly created dwelling being occupied by a farm worker assisting with the cattle enterprise.
  - Calving often occurs during the night and out of normal working hours and an additional worker is needed on site to assist with the out-of-hours duties, sharing them with Christopher when he is away or indisposed.

- The occupiers of the cottages and Thomas Jackson also deal with functional duties associated with the farm along with security matters and out-of-hours deliveries.
- The application is to provide a further dwelling for an essential worker while continuing to provide rented accommodation for the vet, without the need to build a new dwelling or the complication of having a dwelling with an occupancy condition added to their housing stock at Orwell Pit Farm.

7.2.5 Following a comprehensive review of the evidence provided, it is considered that the existing “housing stock” at Orwell Pit Farm is sufficient for the provision of accommodation for an agricultural worker. No evidence has been provided to link the veterinary surgeon with the farm enterprise or to show why the tractor driver and foreman have an essential need to live on the site. In other words, there is sufficient provision of accommodation on the site to house a worker if there is an essential need.

7.2.6 Additionally, it’s considered there is no essential need for an additional accommodation unit on the site to serve the needs of the farm enterprise. The calving operations can be suitably supervised by Thomas Jackson, with an assistant living in nearby Ely or Little Downham on-hand if the need arises at any time. All aforementioned duties can adequately be fulfilled by employees living off site and nonetheless there are already three different members of staff living on the site, with the existing bungalow providing an additional potential unit (if there is considered to be a further *essential* need) if the vet’s tenancy was to cease.

7.2.7 In conclusion there is not sufficient justification for an additional residential unit on this site to serve the needs of the business. The creation of a new unit on this site would unnecessarily and unjustifiably add to the existing stock of four potential separate units of accommodation to cater for an essential worker.

7.2.8 It is acknowledged that the *draft revised National Planning Policy Framework* (currently in consultation phase) states that development of isolated homes in the countryside should be avoided unless certain circumstances apply. Whilst one of these ‘circumstances’ involves the subdivision of an existing residential property, limited weight can be applied to the provisions of this draft framework. It is considered that the current adopted development plan holds more weight in this balance and the conclusions previously raised continue to apply.

### **7.3 Visual Amenity**

7.3.1 The proposal would seek to subdivide the existing bungalow and include a new small porch element to the front elevation. The bungalow would not have a materially different appearance and the visual impact of the subdivision is likely to be minimal.

### **7.4 Highways**

7.4.1 The bungalow is served by the existing farm track off Downham Road and the Local Highways Authority have raised no concerns with the proposed subdivision.

7.4.2 The two units would utilise a tandem parking arrangement and include sufficient off-street parking to avoid obstructing the farm access track. As the farm track is a private access, there are minimal safety concerns with regards to turning and manoeuvring on this track in order to exit onto Downham Road in a forward-facing gear.

## 7.5 **Other Material Matters**

7.5.1 There is unlikely to be residential amenity concerns arising from the subdivision; sufficient amenity space has been provided for both dwellings.

7.5.2 If members are minded to approve the application, to ensure that residential amenity of future occupiers isn't impacted upon by the adjacent farm activities, an agricultural occupancy condition should be applied to the decision.

## 7.6 **Planning Balance**

7.6.1 The proposed additional residential unit to serve this agricultural enterprise is not justified, as it is not essential to meet the needs of the business, to have another full time worker living on the site, to be on hand day and night to deal quickly with emergencies. There are several residential units on the site that could house an essential worker if such a need was identified by the enterprise and the creation of an additional unit is deemed unnecessary and unjustified. The proposal is therefore contrary to Policy HOU5 of the 2015 Local Plan and LP31 of the Submitted Local Plan 2017.

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/00397/FUL	Oli Haydon Room No. 011 The Grange	Oli Haydon Planning Officer 01353 665555
17/01348/FUL	Ely	oli.haydon@eastcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>