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Item No 06:-

18/03102/FUL

Korinn Farm Cowley Cheltenham Gloucestershire GL53 9NJ

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## Item No 06:-

Erection of an agricultural workers' dwelling and associated ancillary development. Retention of existing temporary static caravan to allow continued occupation whilst permanent dwelling is constructed at Korinn Farm Cowley Cheltenham Gloucestershire GL53 9NJ

	Full Application 18/03102/FUL		
Applicant:	Cotswold Alpacas		
Agent:	Plan-A Planning & Development Ltd		
Case Officer:	Adrian Walker		
Ward Member(s):	Councillor Julia Judd		
Committee Date:	10th July 2019		
RECOMMENDATION:	PERMIT		

#### Main Issues:

- (a) Principle of the development
- (b) Design and Impact on the Area of Outstanding Natural Beauty
- (c) Residential Amenity
- (d) Highway Impact and Access

## Reasons for Referral:

Cllr Judd requested the application be referred to Planning Committee owing to the level of local concern, in particular regarding the case for Rural Workers' Policy H5 is not robust enough to mitigate the Local Plan Landscape and AONB policies EN4 and EN5.

## 1. Site Description:

This planning application seeks consent for a new essential farm worker's dwelling and the temporary retention of the existing static caravan to allow continued occupation whilst permanent dwelling is constructed. The new house would be located to the north-eastern side of the existing farmstead. The site is located between Cowley and Coberley at Korinn Farm, which is a farm unit used for the raising of alpacas. The site is occupied by an existing cluster of buildings and structures, including stables, a storage barn, foaling barn, a caravan and manege which are positioned around a yard. Immediately north of the buildings is a steep wooded bank and to the south is open pastoral land enclosed by hedgerows. The site is accessed via a long farm track which links the carriageway to the south-west.

The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). There are a number of Public Rights of Way (PROW) near to the application site.

The application site is located in Flood Zone 1.

## 2. Relevant Planning History:

04/00311/FUL: Erection of stable with tack room, feed and hay store. Refused 21.12.2012. Allowed at Appeal 18.09.2005.

05/01828/FUL: Erection of 4 no single loose boxes and tack room. Permitted 13.10.2005

12/03087/FUL: Erection of day room/foaling stable and field shelter. Refused 21.12.2012 C:\Users\Duffp.220ICT\Desktop\Uuly Schedule.Rtf 13/01535/FUL: Erection of day room/foaling stable - revised scheme (12/03087/FUL). Permitted 07.06.2013

14/00958/FUL: Siting of temporary rural workers dwelling with treatment plant (retrospective). Refused 13.05.2014. Allowed at Appeal for a period of three years 18.08.2015

## 3. Planning Policies:

- NPPF National Planning Policy Framework
- DS1 Development Strategy
- DS4 Open Market Housing o/s Principal/non-Pr
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswold AONB
- H5 Dwellings-Rural Workers o/s Settlements
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision

## 4. Observations of Consultees:

Landscape Officer: Comments have been included in the Officer's Assessment.

Environmental Services: No objection subject to conditions

Severn Trent Water: No objection

## 5. View of Town/Parish Council:

Cowley Parish Council: The Town Council originally objected to the application however have subsequently written in support of the application.

Coberley Parish Council has also commented on the application. Although not in the Parish of Coberley, the application site is immediately adjacent to the boundary and the Parish Council has been approached by a concerned parishioner to consider the application and comment.

Issues raised by Councillors included;

- Undesirable development within the AONB
- Support of the application might suggest an inconsistent approach from the Parish Council when considering previous, similar applications in the AONB.
- Concern at the potential increased impact on the environment, which could be caused by
- the need for greater power generation to support the proposed development
- There is evident strong support from other parishioners
- The desire to retain and grow rural skills and commerce in the area, which could enhance the local economy and be an integral part of the local community.

## 6. Other Representations:

Eight residents have raised objection to the application on the following grounds;

- Design, siting scale
- Loss of general amenity
- Impact on the AONB
- Highways access and parking

- Overdevelopment
- Need for the agricultural workers dwelling
- Viability of the business
- Impact on the PROW

Ten residents have submitted letters in support of the application on the following grounds;

- Local employment
- Design
- Sustainability
- Village amenity
- Agricultural business
- Need for agricultural workers dwelling
- Safety/security

## 7. Applicant's Supporting Information:

Planning Design and Access Statement Agricultural & Rural Business Appraisal

## 8. Officer's Assessment:

## (a) Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that: 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of this application therefore is the current development plan for the District which is the Cotswold District Local Plan 2011-2031 (Local Plan).

The application site is located outside a Development Boundary as designated in the Cotswold District Local Plan 2011-2031. New residential development in such locations is primarily covered by Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements which states that 'New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations'. Paragraph 6.4.3 of the Local Plan states that 'housing for rural workers' can be acceptable in areas covered by Policy DS4. This is supported by Policy H5: Dwellings for Rural Workers Outside Settlements which states:

'Outside settlements, new dwellings for rural workers will be permitted where:

a. It is demonstrated that there is an essential need for a worker to live permanently at or near their place of occupation in the countryside;

b. A financial test is submitted to demonstrate the viability of the business proposed or as proposed to be expanded;

c. A new dwelling cannot be provided by adapting an existing building on the holding;

d. A suitable alternative dwelling to meet the essential need is not available on a defined development site within the 17 Principal Settlements or within a village or hamlet;

e. The proposed dwelling is located within or adjacent to the existing enterprise or other buildings on the holding;

f. The size of the proposed dwelling is proportionate to its essential need; and

g. Occupancy is limited by way of planning condition or obligation.'

The NPPF is also a material consideration in the determination of planning applications. The NPPF requires Local Planning Authorities to deliver a sufficient supply of homes (NPPF, chapter

5) and requires planning decisions for housing to be considered in the context of the 'presumption in favour of sustainable development' (NPPF, paragraph 10 and 11).

With regard to this application, it is of note that the application site is situated in a location that is remote from facilities and services such as secondary schools, shops, employment or healthcare. The site is therefore considered to be situated in an isolated location in the countryside. Paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless special circumstances apply. One such circumstance can include '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'.

In the case of the current application, it is evident that the existing business has been operating for a number of years. A temporary rural worker's dwelling was granted by appeal in 2015 for a period of three years. The Inspector concluded in the determination of the appeal that the tests were satisfied in relation to the need for an agricultural workers dwelling for the current business. The conditions of the appeal required the temporary dwelling to be removed within three years of the date of the decision. This application also seeks to extend the use of the temporary accommodation until such time the permanent dwelling is constructed.

The essential need for a dwelling is dependent on the scale of the enterprise which itself is dependent on the long-term availability of land which was an issue raised at the appeal.

The Appeal Inspector recognised that there was a practical limitation, at that time and within his decision stated that the prospect of a permanent permission would be reliant on there being sufficient land available.

Parties are agreed that if the land was limited to Korinn Farm then the present stocking of Alpacas could be accommodated with some extra facilities, but any livery enterprise in addition could not be sustained.

The granting of the new tenancy for an additional 6 acres for a further 5 years, and the indication of further possible occupation and purchase opportunity is considered to address this concern.

The application was submitted with an Agricultural and Rural Business Appraisal which has been assessed by an independent rural planning and land management consultant who concluded that there is an essential need for a permanent dwelling for the agricultural business. A copy of the report is included as an appendix to this report.

In regards to satisfying the criteria of Local Plan Policy H5, the need and viability has been addressed in the independently assessed Agricultural and Rural Business Appraisal. There are no existing buildings that could be converted or alternative dwellings to meet the essential need. The proposed dwelling is located within the existing enterprise and is considered proportionate to the essential need. A planning condition would be placed upon any permission restricting the occupation of the dwelling to agricultural workers.

As such, the principal of the development of a residential dwelling on the site is accepted in accordance with Local Plan Policy DS4, and paragraph 79 of the NPPF. There are, however, other material considerations that need to be taken into account, which will be looked at in the following sections of this report.

## (b) Design and impact on the Cotswold AONB

The site is located within the Cotswolds AONB. Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 124 states that, 'The creation of high quality buildings and places is fundamental to what the planning and C1Users/Duffp.220ICT/Desktop/Uuly Schedule.Rtf

development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Section 15 of the NPPF requires us to have regard to the conservation and enhancement of the natural environment. Paragraph 109 states that the planning system should protect and enhance valued landscapes. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes' and 'recognising the intrinsic character and beauty of the countryside'.

Paragraph 172 of the NPPF states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.'

Policy EN2 (Design of the Built and Natural Environment) of the Local Plan states that 'Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.' The Cotswold Design Code (Appendix D within the Local Plan) requires that development should be environmentally sustainable and designed in a manner than respects the character, appearance and local distinctiveness of the Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship.

The Cotswold Design Code specifically gives guidance for contemporary buildings stating that: There should be an emphasis on simplicity of design, with detailing neatly resolved and of the highest quality.

In some instances the use of modern, non-local materials may contribute towards a successful contemporary design. This might include the use of more extensive areas of glazing, zinc or copper roofs, or timber cladding.

Policy EN4 (The Wider Natural and Historic Landscape) of the Local Plan states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas. This policy requires that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, settlement patterns and heritage assets.

Policy EN5 (Cotswold Area of Outstanding Natural Beauty) within the Local Plan states that in determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

The application site and its surroundings fall within Landscape Character Type 8C High Wold Valley: Upper Churn Valley as defined in the Landscape Strategy and Guidelines for the Cotswolds AONB by the Cotswold Conservation Board (CCB). Within the guidelines the CCB identifies 'isolated development such as new single dwellings' as a local force for change in the area. The Strategies and Guidelines section of the Landscape Character Assessment make the following recommendations in relation to development such as that proposed to;

- Conserve the distinctive rural and dispersed settlement pattern;
- Avoid isolated development, that will intrude negatively into the landscape and cannot be successfully mitigated;
- Oppose new housing in the countryside (unless special circumstances apply in accordance with Paragraph 55 (now Para.79) of the NPPF and development conserves and enhances the AONB as required by the CRoW Act 2000);

- Avoid conversion of isolated farm buildings;
- Conserve areas of dark skies and dark valley slopes;
- Prevent the use of suburban building styles and materials.
- Landscaping schemes accompanying development should encourage the planting of appropriately sized native trees, shrubs and traditional fruit varieties, whilst discouraging large alien species such as eucalypts and conifers and inappropriate cultivars of native species, particularly on fringes of open countryside;
- Respect traditional position of agricultural buildings and their relationship to the surrounding land.

The site would be prominent in local views from Cowley Footpath 29 which follows a route to the edge of the paddock to the south-west and through the woodland to the north. The proposed dwelling would be prominent in views from the south; however it would be seen within the context of the existing built complex which sits in a dip in the landscape when viewed from the south. Glimpsed local views are also available from the north, but again the dwelling would be seen within the existing would be seen within the built complex and would be partly obscured by the existing woodland planting. It is also noted that the removal of the caravan would also be an enhancement.

It is unlikely that long distance views would be available of the proposed dwelling. However, it is important to note that light spill might be apparent.

The first iteration of the dwellings design was submitted in August 2018 and has been subject to extensive consultation and redesign in accordance with Officer's recommendations. Concerns regarding the scale, massing, siting and design which originally was considered too suburban and would have had a negative impact on the character and appearance of the AONB, have now been addressed.

The dwelling has been repositioned and it now relates better to the existing cluster of buildings. The ridge height has been lowered to below 7m and the massing has been reduced significantly. It is considered that the overall scale and position is acceptable.

The new dwelling reflects the character of the existing buildings on the site. The revised design presents a building which is simplified to that of a timber and metal clad structure with metal corrugated roof and aluminium windows. The north-east and north-west elevations have minimal openings to ensure that the appearance of the building provides an agricultural character. A larger window opening is shown to the first floor of the south-west elevation, however it is recognised that this is set back under a roof overhang which will help to reduce light spill and is necessary for the observation of the livestock. The largest opening is shown to the south-east elevation; which although a large window is obscured with horizontal timber louvers.

As such, it is considered that the proposed dwelling reflects the rural character of the site and the surrounding working agricultural landscape. The scheme utilises high quality traditional materials which take reference the surrounding local character and therefore will not have an impact on the character and appearance of the Cotswolds AONB. As such the proposal, subject to conditions, complies with Section 85 of the Countryside and Rights of Way (CROW) Act 2000, Cotswold District Local Plan Policies EN2, EN4 and EN5 and NPPF paragraph 170 and 172.

# (c) Residential Amenity

Section 12 of the NPPF seeks to achieve well-designed places. In part, paragraph 127 of the NPPF ensures that development create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy EN2 of the Local Plan supports development that accords with The Cotswold Design Code (Appendix D within the Local Plan). The Cotswold Design Code requires extensions to respect

Local Plan Policy EN15 (Pollution and Contaminated Land) seeks to ensure development does not result noise or odour nuisance or safety hazards.

The dwelling would have sufficient amenity space for the occupants of the dwelling. In regard to neighbouring amenity, the proposed dwelling would be situated a sufficient distance away from any neighbouring dwelling to give rise to any potential overlooking or loss of daylight.

A condition would be placed on any permission to control any noise from the proposed plant.

As such the proposal is considered not to result in harm to residential amenity accordance with Section 12 of the NPPF and the amenity considerations within Policies EN2 and EN15 of the Local Plan.

## (d) Highway Impact and Access

Section 9 of the NPPF advocates sustainable transport, including safe and suitable accesses to all sites for all people. However, it also makes it clear that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severe.

Local Plan Policy INF3 (Sustainable Transport) supports development that actively supports travel choices with priority to walking and cycling and access provided to public transport. Links with green infrastructure, PROWs and wider cycle networks should be provided. Development that would have a detrimental effect on the amenity of existing infrastructure will not be permitted.

Local Plan Policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.

Local Plan Policy INF5 (Parking Provision) seeks to ensure sufficient parking provision to manage the local road network.

The application utilises the existing access to the farm via the track to the east. It is considered that the intensification of the site with the introduction of a single dwelling would not result in any adverse impact on highways safety. There is also sufficient space for parking within the site.

As such, the proposal is considered to be in accordance with Policies ENF3, ENF4 and ENF5 of the Local Plan and Section 9 of the NPPF and is acceptable in regards to any highways and parking impacts.

## 9. Conclusion:

The application is considered to be in accordance with National and Local Polices and it is recommended that planning permission should be granted.

## 10. Proposed conditions:

The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby approved shall be implemented in accordance with the following drawing number(s): KFH-E-100-01 REV TP-05; KFH--SP-500-01 REV TP-03; KFH--P-100-01 REV TP-04; KFH--P-100-02 REV TP-04.

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

The timber boarding shall not be treated in any way and shall be left to weather and silver naturally and shall be permanently retained as such thereafter.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan EN2.

Prior to its installation, a scheme shall be submitted to and agreed in writing by the local planning authority which specifies the provisions to be made for the level of illumination of the site and the control of light pollution. The scheme should be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to protect the dark skies of the Cotswold AONB from light pollution, in accordance with Cotswold District Local Plan Policies EN2, EN5 and EN15.

Prior to the first use/occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

**Reason:** To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

**Reason:** To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN4.

Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

**Reason:** To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions, buildings or structures, including means of enclosure, shall be erected, constructed or sited in the residential curtilage of the dwelling hereby approved, as confirmed as the area outlined in red on the approved plan KFH--SP-500-01 REV TP-03, other than those permitted by this Decision.

**Reason:** In order to protect the open character of the Cotswold AONB, in accordance with Cotswold District Local Plan Policies EN2 and EN5.

Prior to the installation of the heat pump, battery bank and associated plant, containment / attenuation, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the plant. The noise mitigation scheme should be maintained and shall not be altered without the prior written approval of the Local Planning Authority.

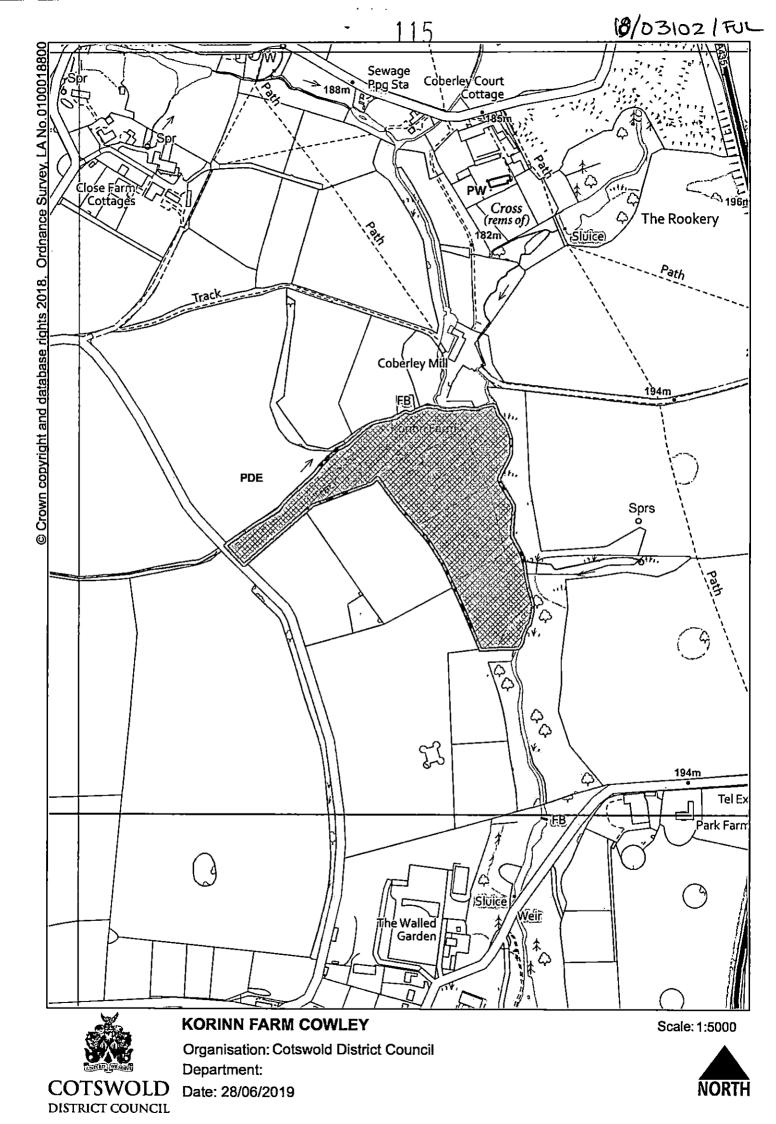
**Reason:** To protect the amenity of the locality, especially for people living nearby, in accordance with Cotswold District Local Plan Policy EN15.

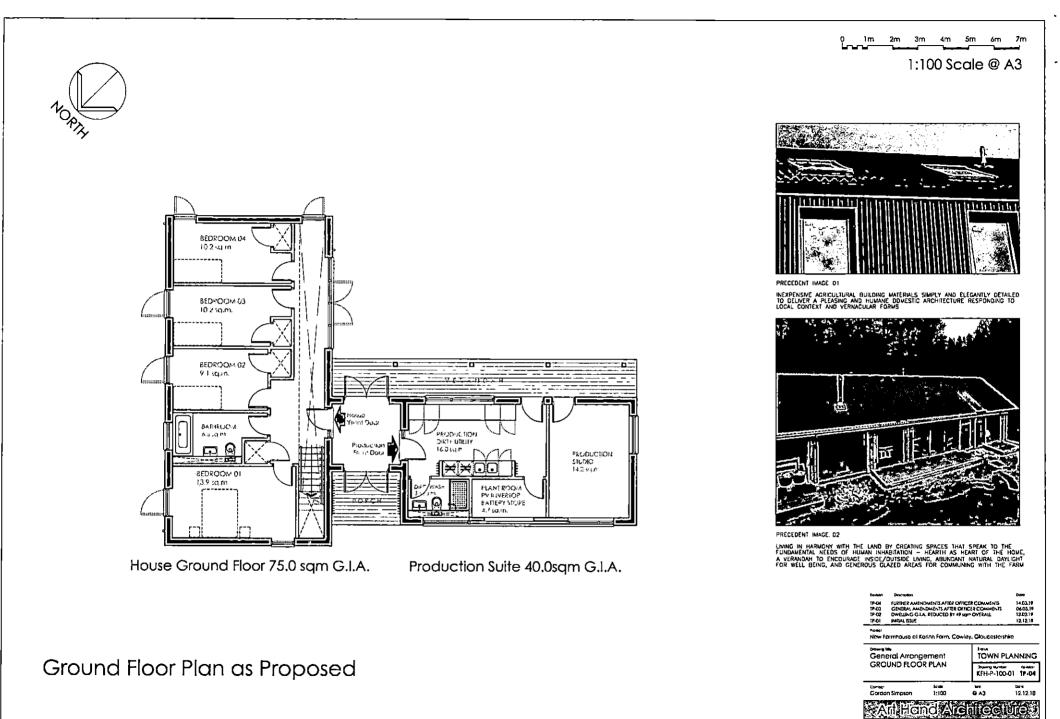
The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the Alpaca business on the site, or to any dependents, widow, widower or surviving civil partner.

**Reason:** In accordance with Cotswold District Local Plan Policy H5 the site is not in an area intended for general development. In accordance with the Local Plan and the National Planning Policy Framework permission is granted only because it has been demonstrated that there is an essential need for a worker to live permanently at their place of occupation in the countryside.

Within three months of the occupation of the dwelling hereby approved the existing temporary static caravan shall be permanently removed from the site.

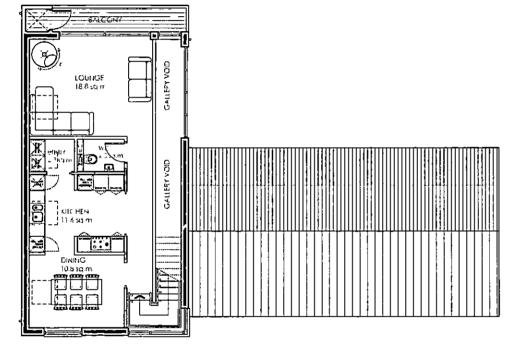
Reason: To accord with Local Plan Policy H5.





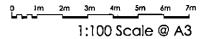
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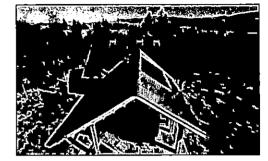




House First Floor 54.0 sqm G.I.A

First Floor Plan as Proposed





PRECEDENT IMAGE 03 FIBRE CELIENT ACRICULTURAL SINUSOIDAL SHEET ROOFING WITH DEEP OVERHANDING EXVEST OF PROTECT OUTDOOR STORAGE AREAS AND VERANDAH DECK/WALKWAY



PRECEDENT IMAGE 04

MODESTLY PRICED BUILDING MATERIALS AND GOOD DESIGN CAN ADD VALUE AND DELIVER AN APPROPRIATE AND CONTEXTUAL ARCHITECTURE

Service*	Description			Date
16-04	P-04 FURTHER AMENDMENTS AFTER OFFICER COMMENTS			14.03.19
18-03	GENERAL AMENDMENTS AFTER OFRCER COMMENTS			06.03.19
12-02	DWELLING G.I	A. REDUCED BY 45	WOT OVERALL	12.02.19
19-01	INITIAL ISSUE			12,12,18
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