

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Ms. K. Gittins 'A'	Erection of new dwelling at Alvechurch Fisheries, Bittell Road, Barnt Green	GB	B/2008/0100 28.03.2008

RECOMMENDATION: that permission be **REFUSED**.

Councillor R. Hollingworth has requested that this application be considered by the Committee, rather than being determined under delegated powers.

Consultations

WH	Consulted - views received 11.02.2008: No objection.
ENG	Consulted - views received 27.02.2008: No objection.
TK	Consulted - views received 11.03.2008: Detailed comments within report.
Natural England	Consulted 13.02.2008 expires 05.03.2008: No comments received
British Waterways	Consulted - views received 20.02.2008: No objection.
CEHO	Consulted - views received 11.02.2008: No objection.
Alvechurch PC	Consulted - views received 20.02.2008: No objection.
Publicity	Two letters sent 07.02.2008; expire 28.02.2008. Site Notice posted 19.02.2008; expires 11.03.2008.

The site and its surroundings

The application site relates to a plot of land north-east of Bittell Road. The site is located within a sporadic run of development and is within the Green Belt.

Proposal

Despite providing indicative siting and design details, outline planning permission only is sought for an occupational dwelling to support the continued operation of Alvechurch Fisheries. The applicant states that Alvechurch Fisheries is a large coarse fishery, with four lakes (three currently fished). It is open 7.00 a.m. to dusk, all year round. There are currently 97 pegs with potential for an additional 40, and a small bait / tackle store, which is not currently in use.

Relevant Policies

WMSS	QE3, CF2, PA15, CF2, CF3, CF6
WCSP	CTC.1, CTC.4, CTC.7, SD.2, SD.7, SD.8, D.12, D.38, D.39, D.2, D.4
BDLP	DS1, DS2, DS13, ES1, S9, C21, C22, C23, TR1, RAT22
Others	SPG1, SPG5, SPG6, SPG7, PPS1, PPG2, PPS3, PPS7

Relevant Planning History

None

Notes

Green Belt Policy:

Policy DS2 of the Bromsgrove District Local Plan and policy D.39 of the Worcester County Structure Plan are in general accordance with PPG2 in stating that inappropriate development in the Green Belt will only be allowed if very special circumstances exist to outweigh the harm caused to the openness of the area and the purposes of Green Belt policy. Policy S9 of the Bromsgrove District Local Plan sets out the criteria to be met for new dwellings in the Green Belt. Criteria (a) regards dwellings required for forestry or agricultural purposes to be acceptable in principle (this includes other occupational dwellings for other rural based enterprises). I am of the view that the proposed dwelling is acceptable in principle in Green Belt policy terms.

Justified need for proposed development:

National Planning Policy governing agricultural dwellings is contained within Planning Policy Statement 7 "Sustainable Development in Rural Areas" (2004). Planning policy recognises that in some situations it may be appropriate to permit new dwellings to serve existing established agricultural / forestry businesses (and other occupational dwellings for other rural based enterprises). Annex A of PPS7 provides detailed guidance to aid the assessment of whether such a need exists in an individual case. Paragraph 3 of the Annex notes "new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units", providing that:

- i) "There is a clearly established existing functional need; that is, it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on-hand day and night:
 - In case animals or agricultural processes require essential care at short notice; or
 - To deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems;
- ii) The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- iii) The unit and agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so;
- iv) The functional need could not be fulfilled by another existing dwelling on the unit, or other existing accommodation in the area which is suitable and available for accommodation by the workers concerned; and
- v) Other planning requirements; for example, in relation to access or impact on the countryside are satisfied."

The Council's Agricultural Consultant has provided a thorough response on the matter and notes that PPS7 makes clear in Annex A paragraph 5 that if the local authority is concerned about possible abuse, it should investigate the history of the holding. As the principal dwelling was sold away from the lakes as recently as September 2006 the Agricultural Consultant considers that such an investigation is warranted in this case.

From the Applicant's submitted information, it is clear that the fishery lakes were developed first by the then owners of Little Stannals and, since 1988, by the Applicant who at the time lived in Little Stannals. As the dwelling and the lakes were in the same ownership, the Agricultural Consultant does not agree with the assessment by Paul Rhodes (RRP1&2 9.1) that there was no original functional relationship between the two. The house and lakes were on the market for sale as a whole for three years, but were finally sold as two lots.

Taking into account the advice in PPS7 Annex A paragraphs 2 and 5, it is necessary to consider whether or not there has been an abuse of the system in this case. The Agricultural Consultant considers that the dwelling has been alienated from the fishing lakes by sale. Therefore, in terms of the advice in PPS7 Annex 5, a dwelling has recently been sold separately from the enterprise concerned and that might be considered an abuse. However, in the particular circumstances it appears that the original dwelling was substantial. It was sold, at least partly, as a consequence of a divorce settlement. In these particular circumstances, therefore, the dwelling may not have been suitable for the dwelling for the lakes had that been the sole source of income. The two were marketed together for about three years without success. In the Agricultural Consultant's view, therefore, there is no indication of a deliberate abuse of the planning system in this case.

With regard to consideration to the new dwelling, the submitted Paul Rhodes report sets out why, in his opinion, it is essential for a worker to be resident on the lakes. The main reasons given are, in summary:

- pest and predator control;
- fish health management;
- dealing with low oxygen levels;
- security; and
- health and safety matters relating to the fishermen.

The fishery is open from 7.00 a.m. or 7.30 a.m. to dusk, all year round. Consequently, the hours of work are long. The lakes are not open for fishing overnight. This has the potential to be a considerable enterprise, with 97 existing pegs and the potential for an additional 40 pegs. There are four main lakes, all well stocked, although information states that Arrow Lake is not currently fished.

In the Agricultural Consultant's opinion, if the enterprise was to be operated fully, it may well be necessary for there to be a resident on site. This is particularly to make the necessary checks of the oxygen levels in the lakes as needed, with there being a particular risk of de-oxygenation from a combination of climatic factors such as heavy rain run-off when the lake water is hot and lakes are heavily stocked. The availability of borehole water (RRP2 8.1) reduces the risks as it may be possible to aerate with fresh water as a precaution. Nevertheless, de-oxygenation from climatic conditions can and will cause significant losses in a short period of time if not addressed. In my opinion, it

would seem reasonable that these checks could be done during working hours without a worker actually needing to reside on site. There are various types of dwellings available for sale or rent in the nearby villages of Barnt Green and Alvechurch, where a worker could travel to the site in a reasonably short period of time, should the need arise. Although the Agricultural Consultant notes that the management of the lakes, and the welfare and safety of the fishermen will be greatly enhanced by a residential presence, I consider that much of this could be achieved by on-site staff during opening hours. Security may be improved by an on-site dwelling, although the entrance is currently security gated and fenced and I do not believe a residential presence is the only option to improve security.

The Agricultural Consultant considers that, overall, the functional test may be met in this case, albeit by a narrow margin. However, the Agricultural Consultant notes that while there is likely to be full-time work involved in running the lakes when they are at capacity, the lakes have and are being run by Mrs. Griffiths on a part-time basis, in conjunction with her other interests (RRP1 2.6 and RRP2 2.6 and 7.2). Consequently were it to be concluded that there is an existing functional need to live on-site, that need does not at present relate to a person full-time or primarily employed in the enterprise. On that basis, as she will be the occupant she would not meet the relevant PPS7 test. In terms of the functional test, I am unconvinced that recreational fishing as justification for an occupational dwelling. I note a case at Bridgnorth District Council (11.02.1999) where a fishery providing recreational facilities on a commercial basis with all fish stocks being imported. Since no fish were produced as a source of food, an Inspector concluded that it was not an agricultural activity. Whilst hours could be long, the work was shared and certain other activities such as pond aeration could be done remotely.

With respect to financial considerations, the enterprise has been operating for in excess of three years. The Paul Rhodes RRP1 report contained budgets; however, in order to assess whether the enterprise has been profitable, the Agricultural Consultant requested further information on accounts. These, together with a revised budget, are set out in the RRP2 report. The PPS7 test requires that the enterprise has been operating for at least three years, and clearly this enterprise has been. The test also requires that the enterprise has been profitable for at least one of the last three years. The RRP2 report sets out a Trading Account for the year to 31st December 2007 at Appendix 2. This shows profits of £8,699 before any labour or depreciation on sales of £13,378. In the Agricultural Consultant's opinion this is considerably below the threshold necessary to meet the financial test as it does not cover the costs of the labour needed to run the enterprise. The Paul Rhodes report, at RRP2 10.4.8, describes the current enterprise as operating on "**a limited part-time basis**". This may well be the reason for the poor financial performance. The PPS7 tests however are stringent tests and require both profitability and clear prospects of remaining financially sound. There is no such clear evidence at the present time.

Against the key policy tests, it is considered that the proposed occupant is currently only working part-time on the enterprise, and so does *not* meet the policy test and the accounts for 2007 show a level of profit considerably below the minimum agricultural wage before any labour deductions, and so do not meet the PPS7 tests. The future budgets show considerable potential to generate increased profits, but at the present time there is no evidence that the enterprise is currently financially sound.

The Agricultural Consultant notes that there may be a functional need for a worker to be readily available at most times, although the enterprise is currently being operated on a part-time basis and *no* such need exists at the present time. Given case history I remain unconvinced that the functional need of an occupational dwelling extends to commercially based recreational facilities. The proposal fails tests within PPS7 and is not an essential facility for a rural based enterprise. The proposal would therefore represent inappropriate development within the Green Belt.

Design / Impact on streetscene:

SPG6 and PPS7 state that dwellings should be of a size commensurate with the established functional requirement. Although this is an outline application and all plans are indicative, the proposed design of the dwellinghouse is shown as single storey with a modest ridge height of 5 metres. The dwellinghouse will have a floor area of some 130 sq. metres, which I am content is a reasonable area of living space for an agricultural worker's dwelling and includes a ticket office and first aid office. The design of the building shown on indicative plans is simple but architecturally acceptable. The plot would also appear to be an acceptable size for an agricultural worker's dwelling with an adequate amount of outside amenity space.

In terms of siting SPG6 notes that preference will be given to locations in settlements or within existing groupings of buildings for amenity reasons. PPS7 states that agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing buildings. On indicative plans the proposed dwelling will be located within a sporadic run of development in general accordance with the building line. The building will be well screened from the front by existing mature vegetation and will not have any significant impact upon the visual amenity of the streetscene. Notwithstanding policy issues, the Agricultural Consultant has commented that the siting of the building is ideal from a management, security and operational perspective, and the dwelling is modest and suitably sized.

Residential amenity issues:

The application site is located well away from surrounding properties and I am therefore content that the erection of a dwellinghouse will not create any significant impact upon the light or amenity of neighbouring occupiers.

RECOMMENDATION: that permission be **REFUSED**.

1. A clear and established need for the proposed development has not been proven. Therefore the proposal represents inappropriate development within the Green Belt. Having regard to the nature of this proposal and to Green Belt policies, the Local Planning Authority does not consider that there are any very special circumstances to justify departure from the overall presumption against inappropriate development in the Green Belt. As such the proposal is contrary to policies DS2, S9 and C21 of the Bromsgrove District Local Plan 2004, policies D.12 and D.39 of the Worcestershire County Structure Plan 2004 and the provisions of PPG2 and PPS7 'Sustainable Development in Rural Areas'.

2. Sufficient housing has been completed within Bromsgrove to meet the strategic housing land requirements for the District as set out in policies D.2 and D.4 of the Worcestershire County Structure Plan (1996-2011). These policies have since been superseded by PPS3 and the existing and emerging revised RSS. Sufficient information is contained within these policies to guide the distribution of housing development in Worcestershire. Due to previous completions and current commitments, Bromsgrove has an identified housing supply of 7.29 years, 2.29 years over the requirement as set out in Planning Policy Statement (PPS3). To add to this oversupply with windfall development would reduce the ability of the district to control its housing provision and as such would prejudice the aims of the West Midlands Regional Spatial Strategy policies CF2, CF3 and CF6 and would clearly be contrary to the 'Plan, Monitor and Manage' approach to housing provision reflected in PPS3.