

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Jack Allison & Ms. Samantha Rafferty	Temporary rural workers dwelling, agricultural building with yard and alterations to the access (retrospective)  Oak Tree Farm, Storage Lane, Alvechurch, Worcestershire, B48 7EP	24.05.2024	23/01390/FUL

**Councillor A Bailes has requested that this application be considered by Planning Committee rather than being determined under delegated powers.**

**RECOMMENDATION:** That planning permission be **Granted**.

### Consultations

#### **Arboricultural Officer**

No objection to the development on the site in view of any hedge or tree related issues.

#### **Worcestershire Highways - Bromsgrove**

No objection. The applicant's proposal to build a new dwelling in a rural area has been reviewed, and it has been determined that a speed survey is not necessary due to the sufficient visibility at the site. It has been acknowledged that future occupiers of the site would be car dependant due to the distance from amenities. However, given the nature of the proposal, as an agricultural workers dwelling, no objection is raised.

#### **North Worcestershire Water Management**

The proposed development site is situated in the catchment of Dagnell Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. The EA's flood mapping also indicates that there is no surface water flood risk to the site but there is some minimal risk indicated along Storage Lane. The applicant has undertaken infiltration tests to demonstrate that a suitable soakaway could be used for drainage onsite and therefore no objection is raised subject to condition.

#### **Beoley Parish Council**

Objection. A residential use should not be supported in this location and the application should be refused in line with similar applications locally.

#### **Kernon Countryside (External Agricultural specialists)**

It is concluded that the proposed business development, facilitated by the off-site grazing of alpacas, is feasible. This assessment supports the need for on-site living accommodation. While there are some concerns about the potential optimism of the budget estimates, it is believed that the enterprise will be financially viable if it develops as planned. Given the temporary nature of the proposed dwelling, these budget concerns can be addressed through the trial period. Therefore, the proposal is deemed to meet the necessary criteria outlined in paragraph 83 of the NPPF

Concerns are raised about the retention of the existing agricultural building given its internal layout including a first floor and internal subdivisions would limit its use. However,

this matter can be secured via a condition for its removal if it is no longer required for agricultural purposes.

## **Public Consultation**

A site notice was placed onsite on 17<sup>th</sup> January 2024 and expired 10<sup>th</sup> February 2024.

10 letters of support have been received and 3 objections as part of the public consultation. The contents of these representations are summarised as follows;

### Support

- Family/young people should be supported into farming
- Good upbringing for children
- Innovation in farming should be supported.
- It is essential to live onsite with alpacas
- Ample visibility on access
- Impressive layout
- Importance of local produce
- Fence needed to contain livestock
- Applicants should be given the chance to expand the business
- Buildings blends in with surroundings
- No affect on neighbouring residents at Poplar Cottages

### Objection

- Barn is too big
- 'eyesore' in countryside
- Inaccuracies in application form and submission
- No information on existing use
- Protected species
- Inappropriate development in the Green Belt

## **Councillor Bailes**

Request that the application to be decided by Bromsgrove District Planning Committee if the Planning Officer is minded approving the application due to public interest.

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP12 Sustainable Communities

BDP15 Rural Renaissance

BDP19 High Quality Design

### **Others**

National Planning Policy Framework (2023)

Bromsgrove High Quality Design SPD

SPG6 Agricultural Dwellings & Occupancy Conditions

## **Relevant Planning History**

19/00009/FUL    Agricultural building and access track    Granted    17.05.2019

## **Background**

Planning permission was granted in 2019 (reference 19/00009/FUL) for the construction of an agricultural building. However, the building that was subsequently erected deviated from the approved plans. Additionally, the site has been used for unauthorised purposes, including the storage of caravans and vehicles, and the creation of hardstanding areas. This application seeks part-retrospective planning permission to regularise some of these unauthorised developments.

The site is currently occupied by the applicant and certain structures are already present on the site. This application does not seek to regularise the works that have been carried out to date and hence why this application is not described as being retrospective. For the avoidance of doubt, permission is sought for a development which is different to that which has been carried out at the site.

## **The site**

The site is a 2.5-hectare grass land located in Beoley. The site is located approximately 4 miles away from Redditch town centre and 6 miles from the town of Bromsgrove. The site is grassland with an existing vehicular access from Storage Lane in its south-east corner and hedgerow along its southern boundary with the road. It was purchased in 2018 and originally intended for horse grazing. However, the owners have since pursued the site and outlined an intention to use it as a rural business with alpacas, chickens, and hay making.

As existing onsite there is hardstanding, an agricultural barn, a caravan, Portaloo and fencing along the southern boundary with Storage Lane. These structures do not currently benefit from planning permission.

## **Assessment of Proposal**

This application seeks planning permission for the retention of an existing barn, alterations to the site's access, and the temporary provision of a rural worker's dwelling using the existing on-site mobile home. The site is located within the Green Belt, a protected area. The proposal also includes reducing the fencing along the southern boundary with Storage Lane height to 1 metre, aligning with permitted development allowances.

Planning permission was granted on site reference 19/00009/FUL for an agricultural building. The building had an open bay and was proposed to store farm machinery, agricultural sundries and temporary livestock accommodation and the open section would be used primarily for the storage of hay. The existing barn onsite subject to this planning application was not built in accordance with the approved 2019 permission and as such has no permission or fallback. The Applicants now intend using the land and building to establish a herd of 25 Breeding Female Alpacas and a small flock of 200 laying hens and

will produce some hay to sell on. The intentions on site are for the breeding and rearing of alpacas for sale, the sale of alpaca yarn and products and poop.

New buildings in the Green Belt are considered to be inappropriate development subject to a closed list of exceptions as outlined in paragraphs 154 and 155 of the National Planning Policy Framework (NPPF). The relevant exception in this case is 154(a) which allows for buildings for agriculture and forestry. Advice has been sought from Kernon Countryside Consultants.

## Barn

The barn as existing onsite is an enclosed structure comprising of metal cladding, and brick with a large single opening. The building has two floors with a staircase. The applicant contends the building is required for the storage of hay, the applicants farm equipment including a tractor, trailer, tools, fencing, and a small workshop area.

Internal stud walls have been erected along with insulation neither of which are appropriate nor necessary for agricultural purposes. The building also has internal steel uprights which prohibit the full use of the building. Modern agricultural buildings are clear span enabling the entirety of the building to be used without the risk of stanchions being hit by tractors etc. The installation of a second floor along with the internal sub-divisions also limits the overall use of the building. With both the height restrictions and the sub-division making the building very difficult to be utilised by farm machinery.

The Applicant has submitted photographs showing that the building is being used for agricultural purposes. They also seek to explain why the building is insulated stating that "insulation has also been installed in the roof of the agricultural building to regulate the temperature so that the condition in the roof of the chicken feed, eggs and egg boxes can be regulated." Although the Council are of the view internally the building has been over-engineered, it is clear it could be used for the purposes put forward under this application and internal work can be done without planning permission. Taking all this onto consideration, in this case, on balance the design of the building alone is not reason for refusing the application.

## Agricultural working dwelling (Caravan)

Planning policy relating to essential worker's dwellings is set out in the NPPF at paragraph 83. Paragraph 83 states that "planning policies and decisions should avoid the development of new isolated homes in the countryside unless . . . there is 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".

Guidance issued on the online Planning Practice Guidance resource in Paragraph: 010 Reference ID: 67-010-20190722 states that: "Considerations that it may be relevant to take into account when applying paragraph 79 a) [now paragraph 83] of the NPPF could include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24 hours a day and where otherwise there

- would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
  - whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
  - whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
  - in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.

It is intention for the applicants to share the workload and retain the ability to live on the holding to manage and monitor properly the processes and livestock on the unit. The Council accept the need to live onsite when looking after alpacas as unlike sheep and cattle, their birthing patterns can be much less predictable, and the crias (baby alpaca) need very close supervision. However, the Council are required to consider a functional need, potential use of existing dwellings, financial sustainability and siting and size.

#### Functional need

Stocking rates for Alpacas, as per the Farm Management Pocketbook are 10 per hectare. Based on the figures set out on page 12 of the Reading Agricultural Consultants Rural Workers Dwelling Appraisal submitted by the applicants, (RAC report) by Year 3 there will be a total of 55 adults and 76 head in total on the holding. The adult numbers alone would have a requirement for 5.5 hectares of land. The Applicant's holding extends to 2.5 hectares however once an allowance for the building and yard area has been deducted along with an area for the poultry there will be approximately 2.2 hectares available for the alpaca enterprise. This clearly falls very short of the 5.5 ha requirement based on the Reading Agricultural Consultants stocking numbers. Initially the Council Agricultural Consultee raised concerns on the functional need given a significant proportion of the animals would be kept offsite and the offsite provision was based on zero rent land which had not been justified.

The applicant has responded to these concerns. RAC have now accepted in paragraph 2 of their letter dated 5th April 2024 that there will be a need for some alpacas to be grazed away from the main holding. They now state that "the pre peri, peri and post birth females and their cria need the closet supervision and will be kept at Oak Tree Farm". In their letter they refer to there being 25 breeding females that need to be kept at Oak Tree Farm whereas in the original report the table under paragraph 4.13 referred at to there being 31 breeding females and two Stud Males in Year 3 and that going forward there will be 30 breeding females on the holding i.e. 32 adult alpacas that would need to be kept at Oak Tree Farm. Even using the higher stocking level, which given the nature of the soil type would in our opinion be difficult to achieve, the holding would only just be able to accommodate this number of stock. However, on balance it is accepted that the main breeding animals could be kept at Oak Tree Farm. Now that it has been acknowledged that some alpacas will be grazed away from the main holding we are more confident that

the business will be able to develop to the planned levels of 25-30 breeding females. On that basis we are satisfied that there is likely to be a functional need to live on site once the enterprise has expanded as proposed.

#### Existing dwellings

There are no other dwellings onsite apart from the mobile home subject to this application and as such the Council is satisfied there is no onsite alternative.

#### Financial sustainability

It is generally accepted that in order to be considered financially viable the business must, in the case of either a sole trader or partnership, generate a profit which is capable of providing an adequate return on any unpaid labour. Or in the case of a Limited Company that the Director's Remuneration along with any dividends are commensurate with a full-time wage. The budgets for the alpaca are largely based on the 51st edition of the John Nix Pocketbook for Farm Management, which provided figures for camelids. The 54th edition, which was published in September 2023, has reintroduced Gross Margin Figures for alpaca which are different, and costs are generally higher, than those used in the applicants budget.

The Council initially expressed concerns that the budgets put forward in the original submission may not be achievable.

In particular the Council had concerns about:

- level of egg sales;
- costs associated with renting additional land;
- costs of purchasing / selling breeding females

We calculate that a hen will lay 268 eggs per year, which is just over 22 dozen per year. Using the RAC sale figure of £2.50 per dozen this equates to egg sales of £56/ bird not the £62.50 per bird as set out in the RAC budgets. This reduces the egg sales from £12,500 to £11,160.

Concerns were also raised that there was no allowance with the budgets for renting additional land. The Applicant's have now provided details of the extra land that they have available to rent and that the rent to be paid is £1 / acre. Concerns were also raised that the same figure had been used for buying breeding females with cria at foot as had been used for selling pregnant females. RAC acknowledge our concerns but state under paragraph 7 of their response that "the likely purchase cost of the alpacas is an estimated figure and is based on securing a negotiated agreement for 20 breeding females with, effectively the cria at foot provided free of charge." On that basis RAC state that our concerns about reduced values are "unwarranted".

This response from the applicant is noted and although "we have some concerns that the budgets may not be achievable, based on the figures used. This is, however, an application for a temporary dwelling for a trial period, and those budget concerns of themselves would be tested through the temporary dwelling process". The main concern was "regarding long term availability of land" and that affected "how confident we can be that the enterprise will become financially viable".

Given that RAC are now acknowledging that there will be a need for some alpacas to be grazed away from the main holding then our concerns as to whether the enterprise will develop as proposed have been overcome. Although the Agricultural Advisor is still of the opinion that the budgets are on the high side, this is an application for a temporary dwelling for a trial period, therefore those budget concerns would be tested through the temporary dwelling period. In summary we are now satisfied that the proposal meets the financial sustainability test set out in the NPPF.

## Character

Policy BDP19 requires new development to enhance the character and distinctiveness of the local area. The site is located on a narrow country lane and for the most part there are trees and hedges fronting the lane. The proposed fencing/gate at the entrance of the site is a 1.8m high close boarded fence. Such a feature is more typical of an urban area. Although it is noted that boundary treatments would be required to keep any livestock secured, the level of the fencing within the site is excessive as most rural access points suffice with a simple five bar gate and post and rail fencing. The applicant has confirmed that the fencing will be reduced to 1 metre in height in line with Permitted Development allowances. This matter will be conditioned to ensure the character of the countryside is maintained. Although a five bar gate would be preferable, given the height would fall within Permitted Development allowance, the Council cannot control the style.

The barn as existing is grey cladding on block work and its external appearance is not particularly out of keeping with its countryside location. The mobile home is temporary and something one would expect for temporary agricultural accommodation in the countryside and they have been sited to the edge of the field close to the access for ease of access and reduction in driveway.

## Highways

The Highways Authority has reviewed the applicant's proposal to construct a new dwelling in a rural location. A speed survey was deemed unnecessary due to adequate site visibility. Recognising the potential for future residents to rely on personal vehicles due to the distance from amenities, no objection is raised to the proposal, as an agricultural workers dwelling given its proposed use.

## Sustainability

The site is in an unsustainable location off a classified road, the site has an existing vehicular access with sub-standard visibility in both directions. Storage Lane has no footways or street lighting, and no parking restrictions are in force in the vicinity. The site is not located within walking distance of amenities, bus route and bus stops.

Paragraph 84 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more circumstance as listed apply. Paragraph 84(a) allows an agricultural workers dwelling. Therefore, the lack of street lighting and footways will deter journeys on foot, given the agricultural nature of development which is required to be in this countryside location it is not considered reasonable to refuse the application on these grounds.

## Trees

The infrastructure installed on the site including a static mobile home, barn and associated services and access road and parking has had no adverse impact on any hedge line or trees either within the site or on any immediately adjoining land.

## Drainage

The proposed development site is situated in the catchment of Dagnell Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. The EA's flood mapping also indicates that there is no surface water flood risk to the site but there is some minimal risk indicated along Storage Lane.

Concerns have been raised that currently surface water is being discharged into the highway verge at an unrestricted rate. If this is the case, there is the potential for this to exacerbate the flood risk that has already been identified along Storage lane and would not be something we find acceptable.

The application form indicates that a soakaway is proposed for discharging surface water and a package treatment plant is proposed for discharging foul. While in principle we have no issue with this, mapping indicates that the underlying soil is slowly permeable seasonally wet loamy and clayey soils with impeded drainage. This means that there are concerns that the site might not be suitable for any infiltration. The application has carried out infiltration tests to demonstrate that the use of a soakaway is acceptable at this location.

North Worcestershire Water Management have therefore raised no objection subject to condition requiring suitable soakaways be installed within 3 months of planning permission being granted.

## Public consultation

Most of the matters raised during the public consultation have been considered within this report. Young farmers are supported through planning policy however must be viable as enterprises for onsite accommodation as outlined above. In respect of protected species, this is grazing land and no impact has been found to trees. A protected species survey has not been requested in this instance.

## Five Year Land Supply

The Council cannot currently demonstrate a five year housing land supply and therefore paragraph 11 of the NPPF states that for applications for housing, planning permission should be granted unless: -

- (i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or
- (ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.



The development would represent appropriate development in the Green Belt and as such the 'tilted balance' would apply.

It is understood that the applicant's family currently reside onsite. Article 3.1 of the United Nations Convention on the Rights of the Child provides that "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration". It is important to note that a child's best interest is not determinative of the planning issue and may be outweighed by the cumulative effect of other considerations provided that the adverse impact on the child of any decision is proportionate.

In this case, the agricultural enterprise has been justified on a temporary basis whilst the budgets are tested. Further permission would be required in three years for continued use living on the site. In such time, the proposed business will have had the opportunity to establish itself and its future success clearer so that a view can be taken on whether thus complies with planning policy.

**RECOMMENDATION:** That planning permission be **GRANTED**

### **Conditions**

- 1) The development hereby approved shall be carried out in accordance with the following plans and drawings:

JA-HJ-01 Location Plan  
JA-JH-02 Site Plan  
JA-JH-03 Plans and Elevations of barn

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 2) The caravan hereby permitted shall be occupied only by Mr Jack Allison and Ms. Samantha Rafferty and any associated family dependents for their use in the management of the alpaca enterprise at Oak Tree Farm, Storage Lane, Alvechurch, Worcestershire and shall be for a period of three years from the date of this decision.

When the caravan ceases to be occupied by Mr Jack Allison and Ms. Samantha Rafferty and or at the end of three years, whichever shall first occur, the use hereby permitted shall cease and the caravan shall be removed.

Upon removal of the caravan, the land shall be restored to its former condition in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

Reason: In order to ensure the appropriate occupation of the site to meet the needs of the agricultural business and comply with policy BDP4 of the Bromsgrove District Plan (2017) and the NPPF.

- 3) The fencing serving the site located to the southern boundary with Storage Lane shall be reduced to 1m in height as shown on Site Plan reference JA-JH-02 within 2 months of the date of this approval.

Reason - To protect the Green Belt and the character of the area

- 4) The residential caravan as shown on Site Plan reference JA-JH-02 annotated as 'caravan' shall be moved into the approved position and the second caravan, portaloo and black water storage container (as existing) removed from site within 4 months of the date of this permission.

Reason - The permission relates to a single caravan and the justification for an agricultural workers dwelling has been made on these grounds.

- 5) The barn building hereby approved shall be used solely for agricultural purposes and for no other use whatsoever. If the use of the barn for the purposes of agricultural within the unit permanently ceases within 10 years from the date of this consent, then unless the local planning authority have otherwise agreed in writing, the caravan and/or building must be removed from the land and the land must, so far as is practicable, be restored to its condition before any development within the application site took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

Reason: To ensure the building onsite is only used for an agricultural purpose as proposed.

- 6) Surface water from the development shall discharge to soakaway drainage designed to cope with a 1 in 100 year event plus 40% allowance for climate change. If it emerges that infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus 40% allowance for climate change. An as built plan shall be provided with proof of installation. The drainage scheme shall be implemented within 3 months of the decision notice and thereafter maintained.

Reason – To ensure the site does not result in surface water flooding