

Officer Report

Application Number:	P/FUL/2022/06061		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Summerfield Farm, Butts Lane, Stour Provost, Gillingham SP8 5RU		
Proposal:	Erection of rural workers dwelling		
Applicant name:	Mr and Mrs L Trowbridge		
Case Officer:	Jim Bennett		
Ward Member(s):	Cllr Somper		
Publicity expiry date:	15 November 2022	Officer site visit date:	27 th October 2022
Decision due date:	29 November 2022	Ext(s) of time:	

1.0 Reason for referral to committee

1.1 There is an outstanding objection from the Parish Council.

2.0 Summary of recommendation

2.1 The recommendation is to grant permission subject to conditions. The conditions include an occupancy restriction (to respond to the fact that the dwelling would not be permitted in this countryside location were it not for a need being demonstrated). It is also recommended that certain permitted development rights are removed so that the Council, as local planning authority, retain control over the floorspace of the dwelling; this is to ensure that the dwelling size remains commensurate to the need identified.

3.0 Reason for the recommendation

3.1 The principle is acceptable. A need has been evidenced for a permanent occupational dwelling in this location according with the criteria in policy 33 of the North Dorset Local Plan Part 1 – 2016.

3.2 There are no issues arising from the design and siting of the dwelling proposed. It is a development plan policy compliant proposal.

Officer Report

4.0 Key planning issues

Issue	Conclusion
Principle of development	A need has been evidenced for a permanent occupational dwelling in this location according with the criteria in policy 33 of the North Dorset Local Plan Part 1 – 2016.
Scale, design, impact on character and appearance	A dwelling faced in natural materials and of a plain, two storey gabled form that assimilates into this landscape setting and is redolent of existing farmhouses in the surrounding countryside.
Impact on amenity	Significant distance from other dwellings. No overshadowing, overlooking or noise and disturbance issues.
Access and Parking	Acceptable subject to conditions.
EIA (if relevant)	Neither Schedule 1 nor Schedule 2 development.
Habitat Regulations	No designation is affected. The site is in the River Stour's catchment in terms of foul drainage (outside of the Poole Harbour and Somerset Levels catchments).

5.0 Description of Site

5.1 The site is on the west side of the B3092 between the villages of Stour Provost and Todber but lying with the former's parish. It extends to 0.2 ha including a narrow access strip which links the main plot to the road. The plot itself is some 140m west of the B3092. Countryside in agricultural use characterises the site and its surroundings, albeit there are dwellings in the locality. The land falls to the west.

6.0 Description of Development

6.1 To erect a two storey farmhouse, 4-bed farmhouse, faced in natural stone with a slate, gabled roof. A single storey carport wing would extend from the northeast facing gable end.

Officer Report

- 6.2 The dwelling is for a farm worker. It would be the third dwelling on the farm. The majority of the land farmed by the applicant owned by Dorset Council but the land on which the dwelling is proposed is owned by them.

7.0 Relevant Planning History

- 7.1 None relevant.

8.0 Constraints

- 8.1 Public Footpath N71/63 skirts the eastern boundary of the “plot” part of the site, crossing the access strip as it does so.

9.0 Consultations

Councillor Somper

- 9.1 I know that some residents are concerned about the need aspect and that the dwelling is not attached to the land that is farmed and which is not owned by the applicant. There was a suggestion of having any new dwelling tied to the land in some way. I've suggested that any concerns raised need to be added to the Portal.

Stour Provost Parish Council

- 9.2 Raised concerns over the location of the proposed dwelling, which is far away from the farm, and it appears to be outside the village settlement area and in an open part of the Stour Valley noted for its landscape and beauty. It was also noted that if this application is successful that a clause to state that the dwelling becomes a part of the estate and cannot be sold as an individual dwelling.

DC Rights of Way

- 9.3 I have no objection to the proposed development, as shown in the plans accompanying the application. However, throughout the duration of the development the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route.

Wessex Water

- 9.4 No objection. The site is some distance from public sewers and will need to rely on private non-mains drainage.

DC Highways

- 9.5 No objection subject to conditions.

Officer Report

DC Estates

- 9.6 The Council's Estates team were consulted due to the applicant's reliance on a Council owned farm for their need (this is the farm and farmland on the east side of the B3092 known as Provost Farm, the dwelling would be sited on land owned by the applicant on the opposite side of the road).
- 9.7 DC Estates advise: -
- a) The applicant has a functional and financial need for a home but this need is predicated on their tenancy of the Dorset Council owned farm (Provost Farm) including its land and buildings.
 - b) The applicant has a Promotion tenancy until 2035.
 - c) The current Management Plan for Dorset Council farm tenancies includes Starter and Promotion tenancies. The objectives behind the Plan are to encourage new farmers to have short fixed term Starter tenancies and then progress to a longer 15-20 year Promotion tenancy with the hope that they will then eventually move onward to a private farm thereby freeing up Dorset farms for new farmers and so the cycle continues.
 - d) In reality, Promotion tenancy holders have not moved onto Private farms because of supply issues and Promotion tenancies have been renewed for 5 or 10 year periods. When considering such an extension the performance of the tenant will be taken into account, for example have they met their obligations under the tenancy, have they appropriately maintained the buildings and managed the land, have there been any animal welfare concerns and what level of financial investment has the tenant made into the holding.
 - e) None of these issues have been experienced with the applicant; they are considered a good tenant who has invested their own capital into the holding.
 - f) There is an understanding by the Council as to why the applicant would not invest in the building of a new home on Dorset Council owned land and it is entirely reasonable that the applicant has, instead, sought to build a home as near to the Dorset Council farm as possible on their own land.

Other representations received

Total - Objections	Total - No Objections	Total - Comments
4	1	3

Officer Report

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

9.8 Members are advised that the application was peer reviewed by an independent consultant on behalf of the Council. They produced an initial review and a second review following the submission of further information from the applicant. Some of the following third party representations refer to the peer reviewer's comments. Consideration of the peer reviewer's conclusions, the comments of the third parties and those of the Council's Estates surveyor is included in the Assessment section of this report in relation to whether there is a need or not for the development.

9.9 Comments received: -

- a) The farm (Summerfield Farm) upon which this house may be built makes up just 1.67% of the total acreage of Stour Provost Dairy farm. The other 98.33% of the working farm is between 300m and 4 miles away and is not within the immediate vicinity of the proposed rural workers dwelling.
- b) 708 acres (98.33% of Stour Provost Dairy Farm) are under various short-term tenancy arrangements, with Provost Farm being a Dorset County Council (DCC) farm. It is unclear if a request has been made to DCC for a rural dwelling to be erected on Provost Farm, being the main site of the dairy. Furthermore, it is unknown whether DCC have assessed the long-term benefits of building a rural dwelling on its own land rather than on land not owned by the council and which may at some time not be associated with Provost Farm.
- c) The application states that the 12 acres at Summerfield Farm are used for youngstock rearing. The application estimates that there are 300 youngstock, meaning that Summerfield Farm would only be able to cater for a very small proportion of this total and therefore most youngstock would be kept elsewhere. The acreage of Summerfield Farm, a proportion of which is in a flood zone, will reduce even further with a new build meaning even more youngstock being further away from the proposed rural workers dwelling.
- d) none of the reports appear to mention the fully serviced residential mobile home stationed at Provost Farm which could be used for the accommodation of the farm employee or the fact that this mobile home may be rented out to others not employed by the enterprise.

Officer Report

- e) The proposed site and design of the house is not commensurate with the existing buildings on Summerfield Farm; it is distant from the road and from the existing build line on the west side of the B3092 and Butts Lane.
- f) It appears that the financial viability question was assessed in August 2022, since when both inflation and interest rates have increased substantially. Financial viability should probably be revisited and made available for review.
- g) Question the reason why Dorset Council, as freehold owners of Provost Farm, will not allow the construction of a new dwelling at Provost Farm - which is the most appropriate location for any new dwelling associated with the holding / enterprise.
- h) Should the Council, as landlords, accept that a new dwelling at Provost Farm is the most appropriate solution or should the Council, as the LPA, be prepared to approve this application for a dwelling at the 5ha holding at Summerfield Farm, in full knowledge that, within a few years, there is likely to be an application to remove the agricultural occupancy condition.
- i) Notwithstanding the above, the proposed dwelling at Summerfield Farm is contrary to NDLP Policy 33 as it is sited in an exposed location and is not well related to existing farm buildings - either at Summerfield Farm or at Provost Farm.
- j) Stables have been built at Summerfield Farm [Planning Application 2/2017/0461/FUL] <https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=52863>. This confirms that the existing holding at Summerfield Farm (given here as 14.30 acres) is for the keeping of horses for private recreation and that the size of the holding is appropriate for the four horses. This suggests that the land at Summerfield Farm is to be used for the keeping of horses for private recreation and is separate from the business at Stour Provost Dairy. This does not align with Reading Agricultural Consultants paragraphs 2.5 and 2.6.
- k) An existing barn on the land at Summerfield Farm was converted from an agricultural building to Dwelling, [Planning Application 2/2016/0553/AGDWPA] <https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=50993>. The barn was then sold to a private buyer. This would have been an ideal opportunity to provide accommodation units close to the Stour Provost Dairy to support operation of the dairy [North Dorset Local Plan 10.261]. Presumably the essential need described below from Reading Agricultural Consultants para 2.6 and 5.6, was the same essential need at the point in time that the decision was made to sell the barn to a private buyer.

Officer Report

10.0 Duties

10.1 s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Development Plan policies

North Dorset Local Plan 2003 (Saved policies)

11.1 The site is outside of the saved settlement limits.

North Dorset Local Plan Part 1 (2016)

11.2 In the context of the site's location outside of the saved settlement limits, the following policies are considered relevant;-

- 1 – Presumption in Favour of Sustainable Development
- 2 – Core Spatial Strategy
- 4 – The Natural Environment
- 6 – Housing Distribution
- 20 – The Countryside
- 23 – Parking
- 24 – Design Policy
- 25 – Amenity
- 33 – Occupational dwellings in the countryside

12.0 Other material considerations

Dorset Council Local Plan

12.1 The Dorset Council Local Plan Options Consultation took place between 18 January and 15 March 2021. The Plan remains at a very early stage in the process towards adoption. Negligible weight is afforded to it as a material consideration at this time.

National Planning Policy Framework 2021

12.2 Noting the following sections :-

- 1. Introduction
- 2. Achieving sustainable development
- 3. Plan-making
- 4. Decision-making
- 5. Delivering a sufficient supply of homes

Officer Report

12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

12.3 Paragraph 80 of Section 5 states: -

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

(a) 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;”

National Planning Policy Guidance

12.4 This is the on-line complementary tool to the NPPF. Guidance in relation to the application of paragraph 80 a) of the NPPF can be found in paragraph 010 Reference ID: 67-010-20190722 of the PPG.

13.0 Human rights

13.1 Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

14.0 Public Sector Equalities Duty

14.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Officer Report

14.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and, in considering the merits of this planning application, the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The isolated location means that dwelling would not be appropriate for a person with restricted mobility but low weight is given to this in the planning balance as the dwelling is intended to meet a specific need.

15.0 Financial benefits

What	Amount / value
Material Considerations	
Employment during construction	Support construction sector.
Spend in the local economy	Spend from future residents of the development
Non Material Considerations	
Contributions to Council Tax	As per appropriate charging bands

16.0 Planning Assessment

Principle

16.1 Policy 2 and 6 of the Local Plan set out the spatial strategy for the North Dorset area, identifying the four main market towns of Blandford, Gillingham, Shaftesbury and Sturminster Newton as the focus for future development in recognition of their population and service provision. Below this, Stalbridge and 18 larger villages are identified based on population, range of services and proximity to services, together with consideration of local issues, as being able to accommodate a degree of growth to meet local and essential needs. Outside of the settlement boundaries of the 4 main towns and larger villages areas, countryside policies apply. Development within the Countryside is to be strictly controlled unless it is required to enable essential rural needs to be met.

16.2 The site is in the countryside and detached from any settlement with services and facilities that could provide an acceptable degree of sustainable living and falls to be considered under policy 20 of the Local Plan which establishes the criteria for countryside development. In this case the applicant has submitted that a need exists for an agricultural worker to live on site in this location.

16.3 Policy 20 refers to Figure 8.5 of the Local Plan Part 1 which, in turn, refers to policy 33. The latter provides a series of criteria against which proposals for occupational dwellings in the countryside should be assessed. The policy is consistent with the

Officer Report

NPPF (including the complementary guidance in the PPG) and can be afforded substantial and determinative weight when considering the proposed development at this time.

16.4 Policy 33's criteria are as follows: -

- a) the need relates to a full-time worker and does not relate to a part-time requirement; and
- b) there is an essential existing functional need for a worker to live at, or in the immediate vicinity of, their place of work; and
- c) the economic viability of the enterprise to which the proposed dwelling relates can be demonstrated by satisfying the 'financial test' applied by the Council; and
- d) the functional need could not be fulfilled by any other means; and
- e) it is of the minimum size and an appropriate design commensurate with the established functional requirement and reflective of the enterprise's financial projections; and
- f) it is sited so as to meet the identified functional need and is well related to existing farm, forestry or rural business buildings, or other dwellings.

16.5 In the context of the above, the Council instructed a peer review of the applicant's submission to be undertaken to establish whether there was accordance with the policy. Further information was submitted by the applicant in response to this review and a further peer review by the same reviewer was undertaken. This concluded: -

"Having read through the revised appraisal, we would conclude that on balance this application in most respects would weigh in favour of a third dwelling. However, as has been shown, we believe due to the complexities and specific nature of this application we believe the enterprise to which this dwelling relates has limited prospects from this location which would potentially leave an agriculturally tied dwelling on 5ha of land which may at some point in the future be unrelated to the business."

:

16.6 The vast majority of the land not in the ownership of the applicant but farmed by them is owned by Dorset Council. The percentage split is as per the third parties' representations. Members will note that the peer reviewer advises that there is a need for this additional dwelling for a full-time worker in association with the land farmed, but that need is heavily predicated on the continued tenancy of the Dorset Council owned land.

16.7 The peer reviewer advised that a location on the Council owned land would be preferable in terms of meeting the need.

Officer Report

- 16.8 The scale of the proposed dwelling is considered commensurate to the need (accepting a reasonable level of floorspace is required for the worker's dependants). These conclusions are taken with full acknowledgement of the dwelling's four-bedroom size.
- 16.9 The case officer, following the peer reviewer's assessments, is also content that the need cannot be met by other means i.e. there is no existing dwelling meeting available that would respond to the need and no other strategies such as remote monitoring would be appropriate (the peer reviewer is satisfied that a full-time additional presence on the land is necessary). It is unfortunate that a barn conversion recently in the applicant's ownership could have potentially responded to the need. However, one can only assess what is available at the time of the application and this barn was in separate private ownership when the current application was submitted and remains so.
- 16.10 In the context of all of the above, the advice was sought from the Council's Estates team in their capacity as landlord for the majority of the land farmed by the applicant. Their comments are reproduced earlier in this report. Of note is that it is probable that the tenancy will be renewed in 2035 if the applicant remains a "good tenant". There is nothing to suggest that they won't be, and one can reasonably conclude that they will retain the tenancy until, at the very least, 2040 and most probably much longer.
- 16.11 It is also noted that the Estates surveyor advises that it would be unreasonable for the applicant to build a dwelling on the Council's land because of the investment required on land they don't own. This may, at first sight, appear a contradiction (a dwelling could be allowed on non-Council land due to the probable extended length of the tenancy but the probability of extending the tenancy is not sufficient to reasonably require the building of a house on the Council land).
- 16.12 The point, in the Estate surveyor's and case officer's opinion, is that the degree of investment required to build the dwelling is so significant that even the very small risk of the tenancy not being renewed is sufficient to make the scenario of the applicant having to build their house on Council owned land unreasonable.
- 16.13 It is therefore concluded that the need is evidenced for a permanent occupational dwelling in this location according with the criteria of policy 33 of the Local Plan Part 1.
- 16.14 However, it is necessary to impose conditions to tie occupancy to an agricultural worker (or someone who last worked in agriculture and their resident dependants). It is also necessary to restrict permitted development rights to ensure that the Council

Officer Report

retains control over the floorspace of the dwelling so that it remains commensurate in scale to the need identified.

Landscape and visual impact (including affect from public rights of way)

- 16.15 The case officer assessed the proposal from the various visual receptors within the landscape. This included from the B3092 but also from the public footpath N71/63 that skirts the eastern boundary of the main body of the site (and crosses the proposed access). They also walked along public footpath N71/64 which follows the valley floor adjoining the River Stour to the west of the site.
- 16.16 The landscape does not benefit from any formal designation but it is, nonetheless of some degree of quality. The number of walkers on the local footpaths suggest it is certainly a landscape valued locally, albeit not a Valued Landscape. The site is prominent from some visual receptors within this landscape, certainly from public footpath N71/63 and to a lesser degree from N71/64. It does benefit from trees just beyond its boundaries which would screen the dwelling from views from N71/64 directly to the west but would permit a view from the northwest.
- 16.17 Buildings are not uncommon in the landscape. Nor are they uncommon on higher ground. It is also a landscape characterised by C20th non-vernacular buildings, including the bungalow further south and the farm buildings at Provost Farm to the east.
- 16.18 The proposed dwelling responds to context with its traditional gabled form, slate roof and natural stone facing. In doing so, it is redolent of some of the farmhouses that pepper pot the local landscape. Careful control of boundary treatments and facing materials will ensure that the proposal assimilates sensitively into the landscape with negligible harm or adverse visual impact.

Other matters

- 16.19 The distance to other dwellings ensures no residential amenity issues.
- 16.20 The dwelling and its access are located on land at the lowest risk of flooding from all sources.
- 16.21 There is no biodiversity mitigation required. Net gain measures can be secured by condition.
- 16.22 The Council's Highways Manager raises no objection subject to conditions.

17.0 Conclusions

Officer Report

17.1 The principle is acceptable. A need has been evidenced for a permanent occupational dwelling in this location according with the criteria in policy 33 of the North Dorset Local Plan Part 1 – 2016.

17.2 There are no issues arising from the design and siting of the dwelling proposed. It is a development plan policy compliant proposal.

18.0 Recommendation

18.1 Grant permission subject to the following conditions: -

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- SK-1580-100 A Proposed site plan
- SK-1580-101 B Proposed floor plans
- SK-1580-102 A Proposed elevations
- Location plan received 30th September 2022.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the first occupation of the dwelling hereby approved: -

a) details of all proposed means of enclosure, boundary walls and fences to the site, shall be submitted to, and approved in writing by, the Local Planning Authority.

b) The said approved boundary treatments shall have been completed.

Reason: To minimise landscape harm given the prominence of the site from public footpaths to the east and west.

4. Any soft landscaping that comprises part of the boundary treatment scheme required by condition 3 shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Officer Report

Reason: To minimise landscape harm given the prominence of the site from public footpaths to the east and west.

5. Prior to their use on the development hereby approved, details and samples of the facing stonework (including coursing, mortar mix and pointing) and roof slates shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development given the prominence of the site when viewed from public visual receptors on the public footpaths and the B3092.

6. The occupation of the dwelling hereby approved shall be limited to a person solely, or mainly, employed, or last employed, prior to retirement, in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry (including any dependants of such a person residing with him/her) or a widow, or widower, of such a person.

Reason: The site is in an area where new dwellings would be contrary to the provisions of the approved Local Plan and normally would not be permitted except where there is an overriding need in the interests of agriculture or forestry.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Classes A, AA and B of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To ensure that the size of the dwelling in terms of floorspace remains commensurate in scale to the need identified.

8. Prior to the first occupation of the dwelling hereby approved, 2 bat boxes, 2 bird boxes and a bee brick shall have been installed within the site in accordance with details previously submitted to and agreed in writing by the Local Planning Authority. The said bat boxes, bird boxes and bee brick shall be retained thereafter for the lifetime of the development.

Reason: To secure the necessary biodiversity net gain measures.

9. Prior to the first occupation of the dwelling hereby approved, the first 5.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note 2 below), must be laid out and constructed to a specification previously submitted to and approved in writing by the Local Planning Authority.

Officer Report

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

10. Prior to the first occupation of the dwelling hereby approved the turning/manoeuvring and parking shown on Drawing Number SK-1580-100 A shall be completed in accordance with the details shown on this drawing. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

11. Before the dwelling hereby approved is first occupied any entrance gates must be set back a minimum distance of 5.00 metres from the edge of the carriageway and hung so that the gates can only open inwards. Thereafter, the gates must be retained at their approved position, maintained and kept free from obstruction.

Reason: To enable a vehicle to be parked clear of the public highway whilst the gates are opened or closed, preventing possible interruption to the free flow of traffic.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

2. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

Officer Report