



Committee Report

Planning Committee - 14 January 2019

Application no DC/19/3966/FUL

Location

Field End
Rattla Corner
Theberton
Suffolk
IP16 4SD

Expiry date 3 December 2019

Application type Full Application

Applicant Mr & Mrs N Bacon

Parish Theberton

Proposal Erection of accommodation unit for temporary agricultural works

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1. Summary

- 1.1. The application is referred to planning committee as it is a departure from the East Suffolk (Suffolk Coastal) Development Plan.
- 1.2. Planning permission is sought for the construction of a detached single storey accommodation unit for use by seasonal agricultural workers. The applicant has provided details regarding the need for seasonal workers and the lack of nearby suitable accommodation. It is therefore considered that, whilst the proposal is a departure from policy, there is sufficient justification to allow for the permanent placement of a six-bedroom accommodation unit in the countryside to support the operational needs of the business.

2. Site description

- 2.1. The site is located outside of a defined settlement boundary, and as such constitutes development in the countryside. The site is located approx. 250m (as the crow flies)

outside of the defined settlement boundary for Theberton, along a single-track country lane with no footpath. The site is located within a lax grouping of 10 dwellings fronting either Rattla Corner or Chuch Lane.

- 2.2. The site is accessed off Rattla Corner which is an unmade road that leads to Theberton Hall Farm. The majority of the western and northern boundaries are made of high level hedging and planting, with the eastern boundary largely open with views across the adjoining fields, and the southern boundary with 'Field End' having no treatment.
- 2.3. The site is bounded by a wooded area to the north, agricultural land to the east, and residential property of 'Field End' to the south. To the west of the application site is Rattla Corner, with a verge and agricultural land on the opposing side of the road.
- 2.4. The application site comprises mainly of grassed area with a few trees situated around the site, and was previously garden land for 'Field End' located to the south

3. Proposal

- 3.1. Planning permission is sought for the erection of an accommodation unit for temporary agricultural workers. The unit is of a simple rectangular design, measuring 16.4m wide, 6.95m deep, 2.4m to the eaves, and 5.1m in height. The property would include six bedrooms, three shower rooms, dining room/kitchen/living area, and laundry/drying room.
- 3.2. The proposal involves the creation of a new access off Rattla Corner, with a parking area to be provided in front of the proposed building. Four trees are to be removed as part of the proposed development.

4. Consultations/comments

- 4.1. Four representations of Objection raising the following material planning considerations (inter alia):
 - Impact from construction works;
 - No details for water and/or waste connections;
 - Impact on amenity of area and neighbouring residents;
 - Lack of parking details;
 - Impact of increased traffic on existing unmade lane and surrounding junctions;
 - Fear of antisocial behaviour; and
 - Workers could be located elsewhere on the farm.
- 4.2. One representation of Support has been raised by a Local Ward Councillor.

Consultees
Parish/Town Council

Consultee	Date consulted	Date reply received
Parish Council	11 October 2019	4 November 2019
Summary of comments: Theberton and Eastbridge Parish Council support planning application DC/19/3966/FUL as it is a much needed resource as it supports rural employment.		

Statutory consultees

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	11 October 2019	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	11 October 2019	21 October 2019
Summary of comments: No objections subject to standard conditions.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Ecology (Internal)	11 October 2019	31 October 2019
Summary of comments: No objection, comments incorporated into officer considerations.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	11 October 2019	6 November 2019
Summary of comments: No objection, comments incorporated into officer considerations.		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	N/A	28 October 2019
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	11 October 2019	11 October 2019
Summary of comments: No objection subject to a discovery of unexpected contamination condition.		

5. Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Departure	19 December 2019	14 January 2020	East Anglian Daily Times

6. Site notices

General Site Notice
Reason for site notice: Contrary to Development Plan
Date posted: 9 December 2019
Expiry date: 2 January 2020

General Site Notice
Reason for site notice: General Site Notice
Date posted: 17 October 2019
Expiry date: 7 November 2019

7. Planning policy

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's Development Plan, unless material considerations indicate otherwise.

7.2 The National Planning Policy Framework (NPPF 2019) is a material consideration, as is the National Planning Policy Guidance (NPPG)

7.3 The East Suffolk Council – Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document was adopted in July 2013 and the following policies are considered relevant:

- SP15 – “Landscape and Townscape”
- SP19 – “Settlement Hierarchy”
- SP29 – “The Countryside”
- DM3 – “Housing in the Countryside”

- DM4 – “Housing in Clusters in the Countryside”
- DM21 – “Design: Aesthetics”
- DM23 – “Residential Amenity”
- DM28 – “Flood Risk”

7.4 The East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific was adopted in January 2017 and the following policies are considered relevant:

- SSP2 – “Physical Limits Boundaries”

7.5 The emerging Suffolk Coastal Local Plan has reached an advanced stage in its production, and the Final Draft Local Plan (2019) was submitted under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in March 2019. Although currently of limited material weight, the following policies are considered relevant and will be referenced where appropriate:

- SCLP5.3 “Housing Development in the Countryside”
- SCLP5.6 “Rural Workers Dwellings”

8. Planning considerations

Principle of development

8.1. Policy DM3 - Housing in the Countryside of the Core Strategy sets out the limited instances when development in the countryside is considered acceptable. These are: replacement dwellings; subdivision of existing larger dwellings; affordable housing exception sites; conversion of redundant/under-used buildings; minor infilling within defined clusters; or development that otherwise accords with the special circumstances if NPPF paragraph 59 (now 79).

8.2. Policy DM4 - Housing in Clusters in the Countryside, states that proposals for new dwellings within 'clusters' will be acceptable. The policy states that a cluster should

- Consist of a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway;
- Contains 5 or more dwellings; and
- Is located no more than 150 metres from the edge of an existing settlement identified as a Major Centre, Town, Key Service Centre or Local Service Centre.

8.3. The accommodation unit would be situated further than 150 metres from the edge of the existing settlement of Theberton and is connected via a single lane country road with no public footpath. As such, the site is not considered to fall within a defined cluster under policy DM4.

8.4. It should be noted, however, that the site is located adjacent to existing residential development and therefore not an ‘isolated’ location for the purposes of exceptional circumstances set out in paragraph 79 of the NPPF – which direct Local Planning Authorities to resist the development of new homes in isolated locations.

- 8.5. As the proposal is for a new building in the countryside outside of a defined cluster, it is not supported by the countryside exception policies of the Development Plan. As the site is not truly isolated (there are some other existing houses nearby), nor do the special circumstances of NPPF paragraph 79 (formerly 55 of the 2012 Framework) apply. As such, the proposal is considered to be contrary to the spatial strategy of the Development Plan.
- 8.6. The Council does not have any direct policies within the Development Plan relating to the provision of accommodation for temporary agricultural workers and, although there is a policy relating to agricultural workers dwellings in the emerging East Suffolk Council – (Suffolk Coastal) Local Plan, this relates more to the requirement for full time workers that need to be located on/close to an agricultural site, as opposed to the need to accommodate temporary workers on a seasonal basis.
- 8.7. The application sets out that the farm employees 10 full-time permanent staff; up to 15 temporary (seasonal) workers; and up to a further 5 self-employed people on a temporary basis. The design and access statement (DAS) states that the farm has invested heavily in both buildings and machinery, with a number of recent planning applications for new buildings being submitted. These include DC/19/1803/FUL (Potato Storage Building); DC/18/1046/FUL (Agricultural Storage Building); DC/17/1631/FUL (Grain Store); and DC/16/0512/FUL (re-organisation of farmyard).
- 8.8. The DAS goes on to state that, whilst the farm tries to recruit locally, this is becoming difficult necessitating a search further afield for staff, approaching places such as college and universities for student labour. Therefore, given that temporary workers are likely to be from outside the immediate local area, there is a requirement for temporary workers to live in the local area during their period of seasonal employment. Oftentimes that accommodation needs to be close to the place of work as many seasonal workers do not bring a private vehicle.
- 8.9. In addition, the applicant has provided letters from two local letting agent setting out the difficulties of finding suitable accommodation for temporary workers in the area. The main issue is that properties that are usually available for short term lettings are geared toward holiday lettings which are furnished to a higher standard, garnering a more substantial rent compared to 'normal' residential properties. The rental values are likely to be out of the price range for seasonal workers. The properties that are not geared towards the holiday let market tend to require deposit to be paid and are likely to be for a minimum 12-month tenancy which is not applicable for the seasonal nature of the workers in this instance.
- 8.10. Officers therefore consider that there is likely to be limited suitable accommodation in the general area that would be affordable for temporary workers.
- 8.11. For the reasons given, it is considered that, in this instance, sufficient information has been provided to evidence that there is a lack of suitable accommodation in the local area to accommodate the seasonal workers associated with the business. In addition, the submitted application identifies that workers generally only travel to-and-from their place of work, which could be walked given the close proximity to the farm to the new building. The applicant explains that workers generally get groceries delivered, which means that travel to urban areas is required only infrequently. It is therefore considered

that, whilst the proposal would result in new housing in the countryside, it would meet an operational need of the business and offer some sustainability benefit by locating staff very close to their place of work where non-vehicle modes of transport could be utilised.

8.12. The need for the development is to accommodate seasonal agricultural workers in an area where permanent new buildings would not usually be permitted. Therefore, in order to ensure that the accommodation is retained for seasonal agricultural workers, it is considered necessary to require a S106 legal agreement as opposed to standard planning conditions. This should give greater control to ensure that the unit is retained for agricultural workers over the long term. The S106 agreement will include that the accommodation is to be used solely for agricultural workers, and that it shall not be used for a period of 2 months in any year in order to ensure that it is used only seasonally (and not year-round). This approach has been agreed with the agent, and any recommendation would be subject to the S106 being completed.

8.13. As such it is deemed that the principle of development in this instance is acceptable.

Design

8.14. Policy DM21 sets out the design aspirations for new development, requiring that it respect the character and appearance of the surrounding area and respond to local character. The proposed accommodation unit is of a simple box design and modest scale, clad in black weatherboard under a corrugated metal roof finished in goosewing grey. This is considered to give the building a more agricultural appearance and will potentially help it blend with the wider landscape. In addition, the proposed site is largely screened from the wider surrounding area. As such it is not considered that the proposal would have any adverse impact on the character and appearance of the wider landscape or the street scene and complies with policy DM21.

Amenity

8.15. Policy DM23 sets out that proposals should have consideration to the amenity impact that may arise as a result of development. The proposed accommodation unit would be of a suitable scale, and sufficient distance from neighbouring properties that it would not result in any significant loss of light or overshadowing to neighbour dwellings and would not be overbearing to neighbouring residents. In addition, the proposed building will be single storey with windows located in the front and rear of the property. Given the single storey nature, distance to neighbouring properties, and existing boundary treatments it is unlikely that the proposal would have any adverse impact in terms of loss of privacy or overlooking.

8.16. Whilst development of the site would bring some activity, a six-bedroom property is not likely to result in excessive noise or disturbance. As set out above, there are not likely to be lots of vehicle movements given that the workers will be employed at the farm a very short distance away.

8.17. It is therefore deemed that the proposal would have no adverse amenity impact and would comply with policy DM23.

Highways

8.18. The site will be accessed off Rattla Corner which is an unmade road off Church Road. Given the use by temporary workers, it is unlikely that the proposal would generate a significant increase in vehicular movements to-and-from the site, due to the close proximity of their workplace. As such it is not considered that the proposal would have any significant highways implications. Suffolk County Council Highways have also raised no objections to the application, subject to a condition that parking and manoeuvring details be provided for vehicles and cycles, and that the bin storage area be provided.

Ecology

8.19. The Council's Ecologist has reviewed the submitted information and considers it unlikely that the proposal would result in a significant adverse impact on protected species or UK Priority species or habitats (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)).

8.20. The site is also located within 13km of a European Protected Site (such as Minsmere-Walberswick SPA, SAC and Ramsar site) and therefore consideration needs to be given to the potential in-combination effect that increased residential development would have on these sites due to increased visitor numbers. In this instance, given the limited form of development, it is considered that no onsite mitigation is required and that the potential impact can be mitigated by a contribution to the Suffolk Recreational Avoidance Mitigation Strategy (RAMS). This contribution has been paid, and therefore it is considered that the impact of the proposal has been appropriately mitigated so that the Local Planning Authority can conclude no likely significant effects on proximate European sites.

Flooding

8.21. The front of the site (along Rattla Corner) is located within Flood Zone 3. Policy DM28 states that "Proposals for new development, or the intensification of existing development, will not be permitted in areas at high risk from flooding, i.e. Flood Zones 2 and 3, unless the applicant has satisfied the safety requirements in the Technical Guidance to the National Planning Policy Framework (and any successor)". The applicant has provided a Flood Risk Assessment (FRA), that sets out that the proposed development would be located outside of the flood zones 2 and 3 and situated on the higher parts of the site. The FRA has also set out several mitigation measures that should be incorporated in the design of the building in order to reduce the potential impact of flooding, and that egress would be available across neighbouring fields. It is therefore considered that the proposal would not pose a significant increased risk during a flood event. The proposal accords with policy DM28.

9. Conclusion

9.1. In conclusion, whilst the proposal is a departure from the Development Plan, it is considered that the need for the proposed accommodation, and the unsuitability of existing accommodation in the surrounding area, has been evidenced. It is therefore considered that, on balance - and given the limited impact arising on the character and appearance of this rural area - that planning permission should be granted.

10. Recommendation

10.1. Authority to Approve, subject to completion of a S106 planning agreement to control occupancy of the new accommodation unit, and with conditions listed in section 11.

11. Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with:
 - Site Location Plan, GA 03, received 09/10/2019,
 - Tree Survey Plan, GA 04, received 09/10/2019,
 - Section Plan, GA 05, received 09/10/2019,
 - Proposed Plan, GA 02, received 09/10/2019,
 - Flood risk assessment, received 09/10/2019,for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. Before the development is commenced details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2019) where on-street parking and manoeuvring would be detrimental to highway safety.

NOTE: Suffolk Guidance for Parking 2019 outlines a minimum of 3 vehicle parking spaces and 2 secure cycle spaces for a Class C3 dwelling with 4+ bedrooms.

4. The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. GA02 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

5. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further

development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail , your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsoffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

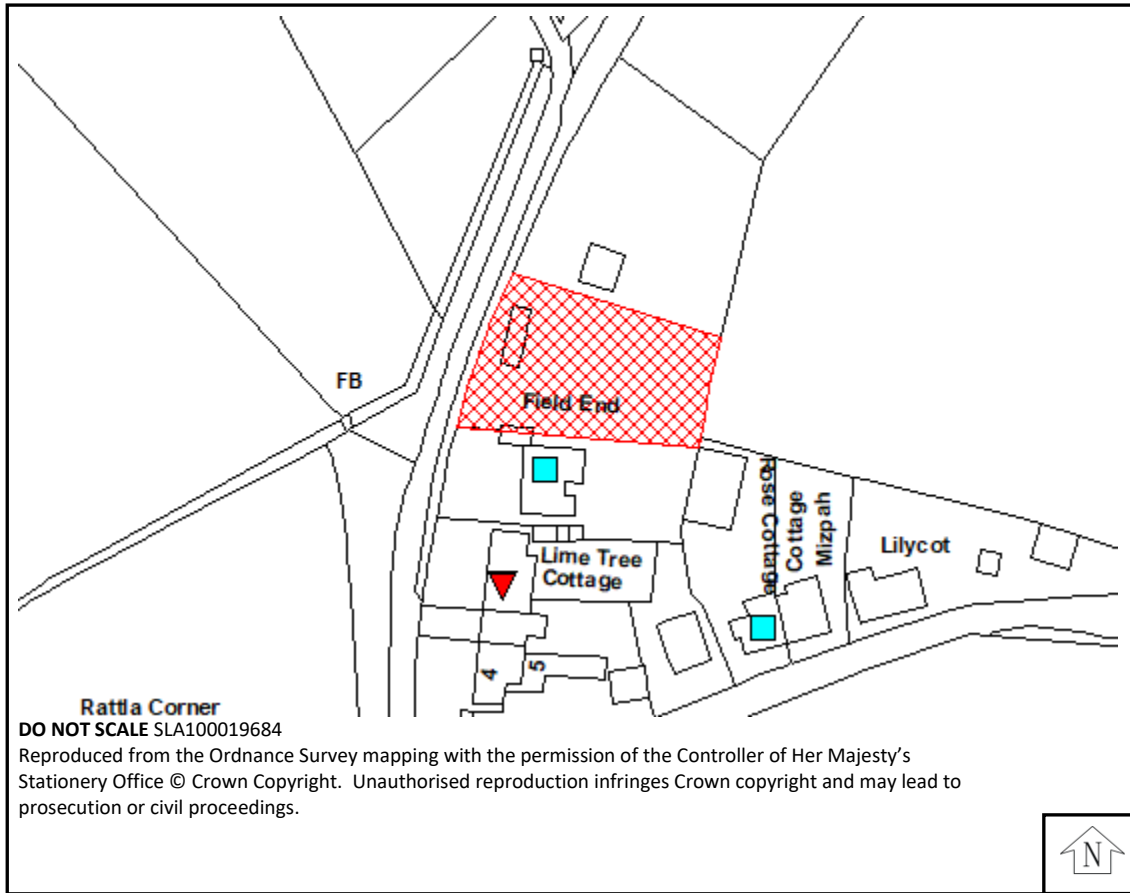
https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

3. This permission is subject to the completion of a Section 106 legal agreement for the retention of the unit for agricultural workers only.

Background information

See application reference DC/19/3966/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PZ46Y9QXN1K00>

Map



Key



Notified, no comments received



Objection



Representation



Support