

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2020/1466/O	CASE OFFICER	Fiona Hunter
LOCATION:	WELLINGHAM Land to the west of The Street Wellingham	APPNTYPE:	Outline
APPLICANT:	George Thompson (Farms) Limited Grove Farm Holbeach Hurn	POLICY:	Out Settlemnt Bndry
AGENT:	Brown & Co Ground Floor The Atrium St Georges Street	CONS AREA:	N
PROPOSAL:	Erection of farm worker's dwelling	LB GRADE:	N
		TPO:	N

DEFERRED REASON

Application was deferred on 15th February 2022 for a site visit.

Since the application was deferred an additional 5 local representations raising the following additional key points:

- without an on-site farm workers dwelling there will be cattle welfare and security issues
- workers and their families will not notice the smell as they will be accustomed to it
- not sustainable

Recommendation continues to be for refusal for the details listed in the report below.

REASON FOR COMMITTEE CONSIDERATION

The application is locally significant and has received a significant number of representations.

KEY ISSUES

Principle of Development
Highways, Road Network and Parking
Design and Landscape Impact
Drainage and Flooding
Ecology, Biodiversity, Emissions and Protected Sites
Residential Amenity
Archaeology and Contamination

DESCRIPTION OF DEVELOPMENT

Outline planning application with details of access only for the erection of farm worker's dwelling. The

dwelling would be used for a farm worker for the adjacent dairy unit if approved for adjacent planning application 3PL/2020/1484/F. Foul sewerage is proposed to be dealt with by package treatment plant.

SITE AND LOCATION

The site is 0.15ha in size and is currently in agricultural use. A hedge and tree border the east and south of the application site. Adjacent is a planning application for a dairy unit for 350 cows to produce milk. 1,000m to the north is Wellingham village.

EIA REQUIRED

N/A

RELEVANT SITE HISTORY

No relevant site history for the application site. Land to the south-west, immediately adjacent has a live planning application reference 3PL/2020/1484/F connected to the application for the erection of dairy unit, including cattle house, milking parlour, loose yard building, general purpose building, feed store, feed bin, milk silo, silage clamps, slurry lagoon, attenuation pond, hardstandings and new access.

POLICY CONSIDERATIONS

The following policies of the Breckland Local Plan, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

COM01	Design
COM02	Healthy Lifestyles
COM03	Protection of Amenity
EC01	Economic Development
EC06	Farm Diversification
ENV02	Biodiversity protection and enhancement
ENV03	The Brecks Protected Habitats & Species
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
ENV08	Non-Designated Heritage Assets
ENV09	Flood Risk & Surface Water Drainage
GEN02	Promoting High Quality Design
HOU10	Technical Design Standards for New Homes
HOU13	Rural Workers Dwellings
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

WELLINGHAM P C

Object. The development proposed by Mr. Thompson would (if permission is granted) involve construction of thinly disguised industrial units in open countryside. We understand that the Highways Department have asked for further details on the proposed access routes. In this regard however we believe that such further investigations will only concentrate on safety, vehicle movements, road widths, turning circles and so on.

Paragraph 2.8 of the Design & Access Statement acknowledges that the highway network around the site is narrow in places. However, it also refers to numerous informal passing bays within the local highway network. This is disputed and in reality the number of passing bays are very limited in nature, along long stretches of single track roads. The Transport Statement submitted with the application, also references that the HGV route from the site to the A1065, would involve HGVs routing to the west via Heath Lane. This suggested route, would involve HGVs travelling a substantially longer distance to reach the site than the obvious alternative route options. The shortest route options to the site are either to the north via Wellingham village or to the south via Wellingham Road and Litcham village. It is inherently likely that HGV drivers using the Dairy will not be local to the area, and that they will be relying on satellite navigation, which will take them on the shortest route. Both of the shortest routes are unsuitable for HGVs and are narrow country lane without passing bays. The route to the South would involve HGVs passing Litcham Primary School, which is accessed from Pound Lane, and is on approach to Wellingham, a narrow country road bordered in places by dense hedging which does not permit vehicles to pass, damaging views and the entire approach to Wellingham. We fear it will increase HGV traffic dramatically, permanent damage that it will cause to the visual and natural environments surrounding the village, the proposed slurry pits will bring air pollution, noxious smells and invasive flies to the acute detriment of the local inhabitants. This is however a new business venture which is, in our view, entirely inappropriate for the setting. There is not, nor has there ever been, any established dairy farm in Wellingham of any scale, let alone that proposed by the Applicant.

The Applicant does not live in Norfolk. To the best of our knowledge, neither the Applicant nor his professional advisors have made any attempt to contact any of the residents in Wellingham to canvass their views prior to the issuance of their Application. The proposal does not bring any benefit to the local area. Loss of, and ruination of, open countryside much used and valued for recreational use. the prevailing wind will invariably carry any such smells and flies into the village.

NORFOLK COUNTY COUNCIL HIGHWAYS

We are advised that the proposed dwelling is required in connection with the dairy unit which is the subject of application 3PL/2020/1484 and that it will be served by the same access arrangements as the dairy unit.

On that basis, and subject to the dairy unit being granted permission, details of parking and turning arrangements for the dwelling will need to be submitted as part of the reserved matters application.

Recommend conditions.

TREE AND COUNTRYSIDE CONSULTANT

No objection to the principal based on hedge and tree retention as shown on the AIA supplied by Plandescil.

I would like to see the dwelling moved to the west away from retained trees to reduce the likelihood of future requirement for tree removal/reductions.

CONTAMINATED LAND OFFICER

No objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

ENVIRONMENTAL HEALTH OFFICERS

I have looked at the revised application submitted and, based on the information provided to me at this time; there are no further comments on the grounds of Environmental Protection. The reports submitted continue to indicate that the amenity of the potential occupant of the property would be severely affected by the proximity of the dairy and lagoon. I would also reiterate my colleagues previous comments that long term exposure to strong smells can give rise to headaches, dizziness, nausea and can affect mood and stress levels. Strong smells can also irritate, eyes nose and throat, cause wheezing, chest tightness and shortness of breath, particularly for those with pre-existing health conditions.

NATIONAL GRID

No Comments Received

Ecological and Biodiversity Consultant

No objection and provides detailed comments on the ammonia impact in respect of the associated milking unit application.

REPRESENTATIONS

A site notice was erected on 14-01-21. 16 local representations have been received raising the following key points:

- Objections to the adjacent planning application reference 3PL/2020/1484/F
- If the adjacent planning application is refused so should this one be
- The dairy could be located closer to their existing properties
- Until business is established including viability demonstrated the need for a dwelling cannot be certain
- Any residential should be temporary
- Road frequently floods and are in poor repair
- Lack of pre-application consultation
- How will construction vehicles get to the site
- Increased traffic and damage to verges
- Harm to wildlife and habitats
- Harm to unspoilt rural area
- Local speeding
- Listed St Andrews Church 1.2km to the north
- Permission for further dwellings could be sought

ASSESSMENT NOTES

1.0 Principle of Development

1.1 Policy GEN 03 sets out that most new development need will be met through the proposed sustainable settlement hierarchy and identifies which settlements these include. Policy GEN 05 sets out that outside the defined settlement boundaries, development is restricted to recognise the intrinsic character and beauty of

the countryside. Development outside the defined settlement boundaries will only be acceptable where it is compliant with all relevant policies set out in the development plan, including but not necessarily restricted to Policy HOU13 of the Local Plan, which allows agricultural workers dwellings in the countryside subject to 9 criteria listed below.

1. It can be demonstrated that the dwelling is essential to the functional needs of the business i.e. there is a need for one or more full time workers to be readily available on-site at most times;

The supporting statement details that during calving season that there are between 100 -120 cows and heifers calving per month. Farm Assurance Codes of Practice require that suitable trained persons are available 24 hours a day and the Government Strategy for Food and Farming published in 2002 states in section 2.5.3 that 'high standards of animal health and welfare are important because they are a vital part of producing safe food and because we care about how animals are treated. High standards are also essential for the economic success of the industry'. The Code of Recommendation for the Welfare of Livestock (Cattle) states that 'no matter how acceptable a system may be in principle, without competent, diligent stockmanship, the welfare of animals cannot be adequately catered for'. To meet the above standards an appropriately skilled worker needs to be living on site to be available at short notice to monitor the animals' health and welfare.

It is agreed a dwelling near the site is required for at least two months of the year for calving season, and there is benefit of there being a dwelling there the rest of year given the size of the heard.

2. It can be demonstrated that the enterprise has been established for at least three years and is, and should remain, financially viable;

No the diary unit is not yet in existence.

3. There is no other accommodation within the site/holding or within the surrounding area which is currently suitable and available, or could be made available;

Existing local dwellings are already occupied by existing farm workers/ share farmers. There is a single cottage in the village. However, this is too far away from the proposed new unit to satisfy the functional requirement. There are no properties available in a suitable distance from the farm.

4. A dwelling or building suitable for conversion to a dwelling within the site/holding has not been sold on the open housing market without an agricultural or other occupancy condition in the last five years;

This information has not been provided.

5. The proposed dwelling is no larger than that required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income that the enterprise could sustain;

This is an outline application and a suitable condition could be applied.

6. The proposed dwelling is sensitively designed and in keeping with its rural surroundings and will not adversely affect the setting of any heritage asset;

This is an outline application and there are no heritage assets in proximity to the site.

7. The proposed dwelling will have satisfactory access;

Yes, the highways authority have no objections to this application.

8. The proposed dwelling is well landscaped, is sited to minimise visual intrusion and is in close proximity to existing buildings to meet the functional need of the business; and

The proposed dwelling is adjacent to a mature hedge and tree row which will minimise visual intrusion. If the diary unit is approved, the dwelling would be adjacent to the diary unit.

9. Where the proposal involves a new business that cannot yet demonstrate financial soundness, a temporary dwelling (in the form of a caravan, mobile home or wooden structure that can easily be dismantled and removed from the site) may be acceptable provided all the other criteria outlined above are met.

The diary unit would be the expansion of an existing business. However, would be a distinct new diary unit.

1.2 The development fails criteria 2 as it is not an existing unit within the wider farming enterprise with proved viability. However, costing projections have been provided and the applicant benefits from running a similar although more dated facility in the area. It is therefore considered very likely the diary unit would be viable and in this instance, this is considered material to deviate from criteria 2. However, to ensure the dwelling is not built independently it is recommended a condition is applied, if approved, to prevent construction works commencing until the adjacent diary unit foundations have been laid and not occupied until the diary unit is first used. This is considered to meet the tests of applying a condition and is enforceable, due to the cost of developing the diary unit.

1.3 The development would result in the loss of Grade 3 agricultural land (good (a) to moderate(b)) which assuming it is 3(a) forms part of the best and most versatile agricultural land as defined by NPPF. Paragraph 170 of the NPPF sets out that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land. The loss of 3ha of grade 3 agricultural land is a negative of the proposal which must be assessed in the planning balance, which is undertaken at the end of this report.

2.0 Highways, Road Network and Parking

2.1 The application proposes to enhance the existing access to The Street and this will be shared with the diary unit. Highways have not raised an objecting noting shared access with 3PL/2020/1484 and raises no objection subject to conditions. Sufficient space is proposed to provide two parking spaces.

2.2 The development is considered to comply with paragraph 109 of the NPPF and Policies TR 01 and TR 02 of the Breckland Local Plan (adopted 2019).

3.0 Design and Landscape Impact

3.1 The design of the dwelling is reserved for future determination. However, given the rural location it would be appropriate to limit the height of the dwelling to one and half storeys (i.e. rooms in the roof permitted) by condition.

3.2 The site is screened to the south and east by existing trees and hedgerows. The development will therefore benefit from established mature screening from public vantage points, albeit in winter months with the loss of leaves, the development will be more visible. There are no public rights of way adjacent to the

application site.

3.3 The application site will change fundamentally from agricultural fields to a built site. Beyond the site the development will only likely be seen from Heath Lane when people are travelling down this route. Overall the landscape and visual harm is considered to be very minor, or minor when the diary unit is also taken into account. As recommended in the submission, hedge infilling should be provided as mitigation into any existing gaps. For the aforementioned reasons the development complies with Policy ENV 05 of the Local Plan and Section 15 of the NPPF.

4.0 Drainage and Flooding

4.1 The application site is in flood risk zone 1 which is at the lowest risk of flooding from rivers and sea. The site is at very low risk of surface water flooding and no identified risk of groundwater flooding or flooding from reservoirs.

4.2 This is a minor application and due to the low flood risk no FRA or drainage strategy is required to enable successful determination of the application. Based on the foregoing, the drainage arrangements are found to be acceptable and accord with Policy ENV 09 of the Breckland Local Plan (adopted 2019).

5.0 Ecology, Biodiversity, Emissions and Protected Sites

5.1 The site is an agricultural field boarded by hedge and tree belts and the joint agricultural worker dwelling and diary unit development will change this to an intensive livestock operation. The Ecology Assessment including a Shadow Habitats Regulations Assessment submitted under the diary unit application, by the same applicant and covering this site advises that great crested newts are not present locally. That there is likely to be a small assemblage of foraging bats and nesting birds together with hedgehogs and invertebrates. The development will cause some harm by the loss of improved grass swards land, creating a gap in a protected hedgerow and some light spill. As such mitigation and enhancement is required. The applicant recommends this takes the form of:

- Any clearance of vegetation should be undertaken outside of the nesting bird season (March to August inclusive) or otherwise under a watching brief.
- New infill planting of the existing south entrance of the east hedgerow to mitigate the creation of the new breach.
- New hedgerow planting around the dwelling.

5.2 The Council's Ecological and Biodiversity Consultant was consulted on the diary unit application which included a combined ecology report which dealt with the worker's dwelling also. They raised no objection to this dwelling and recommended a condition to secure net gains for biodiversity in accordance with Policy ENV 02 of the Breckland Local Plan (adopted 2019).

5.3 In respect of protected species, biodiversity, European sites and National sites the development is found to be acceptable and accords with Policies ENV 02 and ENV 03 of the Breckland Local Plan (adopted 2019), together with Section 15 of the NPPF.

6.0 Residential Amenity

6.1 The residential unit would be adjacent to a diary unit and would be subject to odours as detailed in the A Dispersion Modelling Study of the Impact of Odour. Specifically it would experience odours of 10.0 to 25 ouE/m³ as a maximum annual 98th percentile hourly mean, which significantly exceeds the 3 ouE/m³

moderately offensive odours benchmark defined by the EA. The applicant has moved the slurry lagoon position away from the dwelling however this has not made a notable difference to odour levels for the dwelling. Even if the odour was considered as "less offensive" due to the dwelling being for a farm worker it would continue to exceed the EA defined benchmark limit of 6ouE/m³. At 10.0 ouE/m³, most would describe the intensity of the odour as moderate or strong and if persistent, it is likely that the odour would become intrusive. The dwelling would experience in excess of this as set out above.

6.2 The Council's Environmental Health Officer has raised objection detailing that the reports submitted continue to indicate that the amenity of the potential occupant of the property would be severely affected by the proximity of the dairy and lagoon. Long term exposure to strong smells can give rise to headaches, dizziness, nausea and can affect mood and stress levels. Strong smells can also irritate, eyes nose and throat, cause wheezing, chest tightness and shortness of breath, particularly for those with pre-existing health conditions.

6.3 The agent has advised that the dwelling must be adjacent to the dairy unit and thus cannot be moved further away. However, it is not agreed that monitoring and security could not be undertaken with the help of cameras and alarms with the dwelling located further away and the farm worker who could then undertake a few minutes travel via a vehicle to the dairy unit if need arises outside normal working hours. If this is not suitable for calving season, then a caravan could be used for these two months. For these reasons it is considered unacceptable to have an agricultural workers dwelling in this location, which will experience such high levels of odours all year round.

6.4 The application does not specify the maximum size of dwelling, on this basis, if approved, it is considered reasonable to restrict the size of the dwelling to one bedroom and no larger than 70sqm which allows for two storeys and a boot/ utility room as the odours levels would make it unsuitable for children or the vulnerable, such as the very elderly.

6.5 The impact to future residential amenity is found not to be acceptable and therefore the development does not accord with Policy COM 03 and paragraph 130(f) of the NPPF.

7.0 Archaeology, Contamination and Gas Pipe Lines

7.1 NCC Historic Environment Office have raised no objection nor recommended any conditions for the adjacent dairy unit in respect to archaeology having checked their records. As such the development does not conflict with Policy ENV 08 of the Breckland Local Plan (adopted 2019) and Section 16 of the NPPF.

7.2 The Contaminated Land Officer has raised no objection nor recommended conditions.

8.0 Planning Balance and Conclusion

8.1 The application is a deviation from Policy HOU 13 of the Breckland Local Plan (adopted 2019) as it seeks permission for an agricultural workers dwellings for a proposed rather than existing dairy unit. Given the viability evidence provided, the existing dairy unit to the east and the ability to restrict commencement and occupation to tie into the dairy unit construction, these are considered other material planning considerations, which in this instance outweigh the current moderate conflict with policy and make the development acceptable in principle.

8.2 The development will result in the loss of some agricultural Grade 3 land. However, this is outweighed by the economic benefits of the development including job creation, product creation and construction works and supply chain.

8.3 The agricultural workers dwelling would experience odours levels far in exceedance of the EA's Benchmarks and whilst the diary unit worker will be more accustomed to these types and levels of odours the levels are considered to be too high for their permanent accommodation and will restrict their or others ability to enjoy spare time at home, have a normal family life and may impact their health. The reasons given for the location of the dwelling do not outweigh the principle concern of impact on amenity and it is considered there is plenty of space to locate the dwelling further away in the applicants land holding where the odour levels would be lower. As such the development conflicts with Policy COM 03 and paragraph 130(f) of the NPPF, not outweighed by other material planning considerations and is therefore recommended for refusal.

RECOMMENDATION

Refusal, for the reason(s) given below.

REASON(S) FOR REFUSAL

1

Odour

The agricultural workers dwelling would be exposed to high levels of odour from the adjacent diary unit approved under planning permission 3PL/2020/1484/F to the strong detriment of the agricultural workers residential amenity. The development therefore is contrary to Policy COM 03 of the Breckland Local Plan (adopted 2019) and paragraph 130(f) of the National Planning Policy Framework (2021).