APPLICATION REPORT – 16/01021/OUT

Validation Date: 16 November 2016

Ward: Chorley North East

Type of Application: Outline Planning

Proposal: Outline application (including access) for agricultural workers dwelling

Location: Higher Healey Farm Higher House Lane Heapey Chorley PR6 9BT

Case Officer: Adele Hayes

Applicant: Mr Hibbert

Agent: Mr Peter Williams

Consultation expiry: 7 December 2016

Decision due by: 8 February 2017

FURTHER UPDATE REPORT

Members will recall that this application was withdrawn from the agenda last month. This was because Natural England had advised the Council that they had been investigating the status of Temple Wood, on behalf of a local resident. They had
concluded that there is enough evidence to show that Temple Wood is ancient woodland and Natural England advised that they will add it to the Ancient Woodland Inventory. They confirmed that the south-eastern corner of the current woodland area is not ancient and also that the triangular land parcel to the west of Temple Wood, which currently has trees on it, is not ancient woodland either. Previously Natural England would not have included the two areas of open water in the area of ancient woodland, as there is evidence that they were created artificially. Furthermore, Temple Wood would not have been included in the original ancient woodland inventory because it is below the 2ha. size threshold. However, Natural England now use 0.25ha as the size threshold for inclusion of woods onto the inventory.

Natural England advised that they will write a report detailing their findings, but in the meantime it was necessary to accept their email as evidence that Temple Wood is ancient woodland and give further consideration to this matter.

The Council's ecological advisors have now visited Temple Wood and advise that whilst the woodland may or may not be ancient, it is their opinion that it is probably not and whilst it is clearly a high value ecological habitat, there are no clear biological or landscape features to indicate ancient origin. It is, however, possible it was part of a once larger woodland, which would explain the very straight boundary to the north (ancient woodland generally has irregular boundaries) and lack of a boundary banking (again often a feature of ancient woods) and that it underwent clear fell and replant prior to 1848 which would explain the even aged mature trees and lack of understorey.

However, whether or not the woodland is ancient, is in their opinion somewhat academic as the area of woodland that would be lost to the passing place, equates to less than 0.25% of the site and would have a very minor impact.

Therefore, it is considered that the ecological impact of the proposed passing place is not significant enough to warrant refusal of the application and the proposed mitigation can be conditioned. In particular, there would be no loss of mature trees and the hedgerow can be

realigned around the passing place.

It is reasonable to resolve outstanding issues such a root protection, nesting birds and mitigation via condition. Whilst the ecologist has suggested a reduction in the size of the passing place, this is not possible. Neither is it possible to have no passing place because LCC Highways have requested that it is provided.

In response, Natural England have advised that they have now been provided with a copy of the 'Pennine' ecological consultant's report, which they had not seen previously. They will take this evidence into account when determining the status of Temple Wood. As the ancient woodland inventory is regarded as provisional, Natural England have also confirmed that they are willing to look at further evidence on this case. They have also stated that the status of the wood may be academic in terms of the scale and impact of the proposals.

<u>Other representations</u>

Cllr Adrian and Marion Lowe have made the following comments:

We acknowledge that the report is extensive and addresses the issues under consideration. However our main observations are regarding the functional need for a dwelling, access and the impact on the local area. We are not convinced that the case for a dwelling has been proved and as the report states it is on balance that they have resolved the outstanding concerns. We contend that it is a judgement for members to take in all the available evidence but we consider that alternative arrangements other than a dwelling already work well. We have grave concerns over access arrangements and the proposed passing point. The track is used not only by nearby residents but has to provide emergency access for United Utilities amongst others and is also a public right of way. It's junction with the Lane causes a concern. We have concerns over that if the dwelling is allowed what is to stop further developments. Finally even though it is not a material planning consideration we note the issue of the covenant and it seems strange that permission could be granted but not implemented upon due to this covenant not being agreed by the owner of the Cottage

The Woodland Trust has submitted an objection to the passing place outlined as part of the planning application on the basis of disruption and direct loss to an area of unmapped ancient woodland, known locally as Temple Wood. They also comment that Natural England has recently confirmed that they believe this area of woodland to be ancient, and as such will be adding it to the Ancient Woodland Inventory.

Further representations have been submitted by a local resident raising further objections which are summarised below together with the officer response:

- A safe and suitable access cannot be achieved for the site such that it would not cause detriment to the operation of the highway network or adversely impact on safety of road users. It is understood that Lancashire County Council insisted upon two passing places being provided in order for this to proposal to be acceptable. However, this cannot be actually achieved in practice.

LCC Highways are satisfied with the proposed access arrangements and a single passing place.

- For the proposal to be acceptable, a passing place has to be constructed on land not in the applicant's ownership or control.

The proposed passing place is wholly on land owned by the applicant.

- The applicant has applied for permission on land outside his ownership.

This is not the case and the applicant has correctly completed certificate A on their planning application forms.

- The proposed passing place is to be located on land known as “Temple Wood” situated west of the access track but this this land is not within the red edging on the application site plan.

The location of the proposed passing place is edged red which means that its provision and retention can be secured through the imposition of a condition.

- The proposed passing place on the edge of Temple Wood would require mature trees to be felled and there is an absence of ecological information to demonstrate that the potential impacts can be adequately minimised and mitigated.

This matter is discussed in detail above.

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- It was requested that a further 21 day period in which to respond to the revised consultation response from the County Council and any other amendments to the planning application be arranged.

The application was withdrawn from the agenda last month and it is considered that sufficient time has been available for local residents to consider the proposal.

- The Council has not redacted details of a personal email address before uploading copies of objections to the public web portal. It was requested that all personal information (including contact information and signatures) is appropriately redacted both retrospectively and going forward.

The Council’s initial letter notifying residents about the application, that was sent on 16th December 2016, states:

“Any comments you make about an application cannot be treated as confidential or kept private. Information you provide, including personal information, will be made available online and will be available in the Council’s Customer Service Centre.”

This constitutes notice of fair processing as part of the planning application process and the Council has, therefore, complied with the Data Protection Act 1998 because residents were informed as to how their data would be processed.

However, given the request the information was removed from the website although all information will still be available to view on what is a public record in the Council’s office.

The objector was advised of this and has subsequently requested that their comments be republished on the website. Clarification has been sought that they are happy that this is done as it is not possible to redact parts of the correspondence. A response is still awaited.

Recommendation

It is considered that there are no other outstanding matters and it is again recommended that the application is approved subject to conditions and an associated S106 agreement to tie the land with the new agricultural workers dwelling.

REPORT UPDATE

This application was scheduled for consideration at the Committee meeting held on 23 April 2017. However, prior to the meeting Councillor Adrian Lowe had asked that consideration be given to deferring the determination of the application because further information had come to light which he considered had not been fully assessed. In the interests of natural justice, he requested that Members should have sufficient time to fully consider all the matters of objection raised by local residents with particular regard to legal questions of land ownership, highways

issues and also because the ADAS report had only been made available shortly before the meeting.

Accordingly, at the start of the committee meeting in April, Members were advised that officers considered it appropriate to defer the application and accordingly the recommendation was changed to 'Defer'. In particular, Members were advised that following the Committee site visit, the detail of the passing place would be required to be considered by the committee and that the ADAS report should be provided in full.

In addition to the representations detailed in the original report, it was previously reported on the addendum that 17no. further letters of objection had been received setting out the following issues:

- Part of the track is owned by a neighbour and the proposed development would represent a fundamental change to the nature and scale and this should be factored into the decision making.
- The conclusions of the ADAS report are not sound, the criteria within Policy HS10 have not been met.
- Parts of the farm are used for keeping horses and this is a breach of planning control that the Council must investigate.
- The ADAS officers visit to the site does in no way justify that there are no alternative premises nearby. That the property information has been provided and not taken into account.
- A dwelling is not needed, with a small flock of sheep and horses and this is for profit and will then be sold on.
- The financial basis of the proposed dwelling should be considered and be required to be provided and the matter of financial matters has not been investigated properly.
- The track to the farm is not properly maintained.

Since the Committee meeting in April, further representations have been received from local residents that reiterate their grounds of objection, as previously reported, but concerns are also raised about the potential impacts of the proposed development on highway safety and the potential impact of the proposed passing place on the ecological value of the woodland area. Also, one of the local residents has advised that they have taken particular notice of the activity coming from within and around the woodland in question. They comment that there is without doubt a large bat colony roosting in there.

The residents have again expressed serious concerns about the acceptability of the development in principle and they have challenged some of the statements submitted in support of the proposal by the applicant's agent. In particular, they believe that the suggestion that the brother of the farmer, who runs a large farm in Westhoughton, travels to Chorley each day and every 4 hours during lambing has been shown not to be the case. The residents contend that the farmer continues to run the farm daily and the brother is never on site. They consider, therefore, that the basis of this application and essential need for this dwelling has no foundation.

Local residents also state that Higher Healey Farm has very few animals on site and challenge. the 'full-time worker' requirement for such few animals. They also state that the applicant's sister lives close to the site and question the functional need for an essential agricultural worker to reside on site. Comment is also made that the sheep at Higher Healey Farm could be housed at Radcliffe farm where there is property already on site. They believe that the applicant has not provided sufficient financial evidence to show that the farm is financially sound or been profitable for the last few years.

Residents are also concerned that the applicant is attempting to secure a house on site on the basis of an agricultural justification but should a dwelling be built, residents believe that sheep will be relocated back to Westhoughton and the house sold on for a profit.

The residents consider that given that the farmer has lived minutes away within sight of the farm on Heapey Road, and has run the farm from there for approximately 15 years, then there is no

justification for the proposed dwelling. A spread sheet has been provided by neighbours detailing the properties that are currently available for rent or sale in close proximity.

Residents are also concerned that if a single house is allowed, then there is a risk that consent would be given for more, to the detriment of Healey Nab.

Residents have also advised that there is no police record of any crime on the farm, and suggest that security and monitoring of the animals could quite easily be enhanced by the installation of security cameras and other devices, which would enable the land, machinery and livestock to be adequately monitored from a distance.

One of the main concerns expressed by local residents is the safety aspect of the proposed access route, which is the single track leading from the hairpin bend off Higher House Lane

Residents state that this is a huge concern locally, as from the highway, a driver from the road only has a partial view of the full length of the single track. This, therefore, means that if a vehicle is already travelling down the track, other vehicles entering the track from the road will then be forced to reverse back onto the road, which is national speed limit. It is also used by horse riders, walkers and cyclists and the track is located on this dangerous blind bend. In theory this could lead to traffic queueing on this bend in order to enter the track.

Residents also state that there is no point on the track where passing places could be made as recommended by LCC Highways because the applicant does not own the land on one side of the track, which is bog land anyway, and on the other side it is conservation woodland, Temple Wood.

It is also noted by residents that the LCC Highways have suggested that there should be two passing places created at points in the access road to the site. They also note that the report by GMEU contends that the creation of passing places will have some ecological repercussions if they were placed adjacent to the woodland.

Applicant's response

Given the objections raised by neighbours, the applicant has responded to the points raised as follows:

In relation to the break-ins and thefts at Higher Healey Farm, the applicant was fortunate that the items of stolen equipment were not significantly valuable therefore the decision was made not to report the incidents to the police. As such, there are no crime numbers or reports to verify these events. Paragraph 5.8 of the Design and Access Statement is intended to identify the high value of both machinery and livestock that is now present at Higher Healey Farm and demonstrate the potential risk the applicant takes in leaving the site unattended. Together with the applicant's passion to provide high welfare standards for livestock it is also his obligation to provide security at the same time.

In relation to the applicant travelling to and from Higher Healey Farm in order to check the livestock. The Design and Access Statement states that the Applicant travels over 10 miles in order to move and check livestock. The Statement also confirms that the applicant receives help from other members of his family. Throughout the lambing and calving periods the level of livestock husbandry required intensifies which demands help from other family members. It would be very difficult to ascertain the amount of time any one member of the family spends at Higher Healey Farm and moreover it was not the intention of the Design and Access Statement to do this. Throughout the planning process it has been made clear to Chorley Borough Council that the farming business as a whole is a joint enterprise between members of the Hibbert family. The original planning officer dealing with the application visited the site with the agent and Ms Hibbert, the applicant's sister, who helps when she is available. When ADAS, the independent agricultural consultants, visited the site Mr Hibbert was present; the family business TS Hibbert and Son is just that, a family run business. The information provided within the Design and Access Statement is accurate and was collated in order to demonstrate the essential requirement of a dwelling at Higher Healey Farm.

The content of the Design and Access Statement has been significantly scrutinised throughout the planning process. Geoffrey Fairfoull of ADAS has undertaken both a desk based study and a site visit to both Radcliffe House Farm and Higher Healey Farm. The applicant has provided ADAS with British Cattle Movement Service (BCMS) and Sheep records which were used to corroborate the information that was submitted to Chorley Borough Council. The first ADAS report concluded that the farming activities at Higher Healey Farm are well established and there is an essential functional requirement for a farm worker to reside on site. The second ADAS report addresses the occupation of the proposed dwelling. In this report ADAS reaffirm the essential need for an agricultural worker to reside on site and states that the occupation of a dwelling is not related to a particular person.

In their report ADAS raised two issues that Chorley Borough Council must be satisfied with 1) the farm business must be capable of funding the cost of a dwelling, and 2) the functional requirement could not be met by another dwelling in the immediate locality.

The Applicant has undertaken the following steps to satisfy Chorley Borough Council of these issues:

1. The applicant provided sensitive financial information to Chorley Borough Council who, following discussions with ADAS, confirm that the business is capable of funding the cost of a dwelling at Higher Healey Farm.

2. The initial ADAS report states that the functional need can only be met by a dwelling within reasonably close proximity to the farm buildings. ADAS then define close proximity as 'within sight and sound of the housed livestock'. The applicant showed ADAS around both farms and within the second report from ADAS it is confirmed that there are no dwellings that could reasonably meet the requirement for a worker to live on-site or within sight and sound of the housed livestock

Financial evidence

TS Hibbert & Son operates an agricultural business together with a butchers shop. In the response to Chorley's consultation request, ADAS suggested that the proposed development is supported by planning policy subject to satisfaction that the farm business can fund a dwelling without jeopardising the business. The applicant's agent was, therefore, requested to provide financial information to support the proposal.

Given that the farming business is well established with justification for a farm workers dwelling, it was agreed that they provide ADAS with projected budgetary information based on the current level of stocking across both farms in order to support the proposal. This was in order to demonstrate the farm's capability of funding a dwelling.

ADAS considered that a statement explaining how the cost of the proposed dwelling will be financed without jeopardising the farm enterprise was sufficient. A set of accounts for the last three years for the business as a whole, was submitted to demonstrate the financial sustainability of the agricultural enterprise.

Having reviewed the information, ADAS considered, on balance, that the applicant and their agents have resolved their outstanding concerns. Therefore, they recommended that the Council should consider this application on its merits in accordance with their adopted Local Planning Policies and the appropriate planning policies contained within the National Planning Policy Framework.

The applicant has provided a factual statement which has been submitted formally. This demonstrates that the Applicant operates a profitable business and is capable of funding the proposed development without posing a threat to the agricultural business or jeopardising its ability to operate profitably in the future.

Highway safety

The Highway Authority confirmed that they would be willing to consider a single passing place, relocated about 20m from the originally proposed location towards the site where any vehicle waiting in the passing place can be seen and the waiting driver can see traffic and other hazards ahead. This is because at the originally proposed location, close to the junction, although it would be possible to give way to traffic entering the track from Higher House Lane, it would be difficult to see traffic and other hazards heading in the direction of Higher House Lane as the passing place would be on a bend and forward visibility for drivers would be obscured by trees.

It is noted that although the track is not an adopted highway, it is a public right way used by vehicles, as such it is incumbent upon LCC as the highway authority to ensure the proposal has no safety implications to the detriment of pedestrians, cyclists and other motorists.

The proposed passing place has been located as suggested by LCC highways and would be 2.3m wide x 10m long. At the point of the passing place the track will be a minimum of 5m wide.

LCC highways have confirmed that this is acceptable subject to a condition stating the distance from edge of carriageway of Higher House Lane to the centre of the passing place to ensure that the proposed position is not departed from when the passing place is being provided.

Ecology

Advice has been sought from the Council's ecology advisor who has commented that the main ecological issue with regards this application is the impact on Temple Wood from the proposed passing place requested by the Highways Engineer at LCC.

Temple Wood does not appear to have any designation, not being registered on the ancient woodland inventory or as a biological heritage site. Most of the woodland is, however, present on the first edition of the ordnance survey and it does appear to be a semi-natural broadleaved woodland of even aged and spaced oak. It does not have the look of ancient woodland, but it could be as whilst it appears to be a 18th or early 19th century oak plantation, it could have been replanted on a previous woodland site. There is little understorey in the location of the proposed passing place and the ground layer appears also to be species poor. The woodland would qualify as a UK biodiversity priority habitat. There is also a species poor hawthorn hedge which would be lost.

The ecologist has recommended that as this is a UK Biodiversity priority habitat that it should be avoided completely and the passing place located in the field to the east of the access track. If this is not possible i.e. the field is not under the control of the applicant and the current owner is unwilling to sell/provide land for a passing place, then the second best location would be towards the southern end of the access track on the western side as this was not woodland in 1848 i.e. is definitely not ancient.

The applicant's ecological assessment is considered to be broadly in line with GMEU's initial assessment and the recommendations of the report are accepted, i.e. that the passing place could be located within the woodland with only minor ecological impacts that can be mitigated for.

The applicant has stated that a passing place cannot be located on the east side of the lane as the applicant does not own this land. It is accepted that the proposed location of the passing place will cause minimal ecological impact and will require very little ground work whereas another location would require a degree of filling to bring the ground level up to that of the lane. The vegetation at the proposed location is of minimal ecological value and no mature trees will be affected.

Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species.

Impact on bats is only a risk if a mature tree needs to be felled, in which case it would require a bat assessment, or street lighting added.

It is not proposed to fell any mature trees and consequently there are no risks to roosting bats from the proposed development unless street lighting is proposed which could potentially have a negative impact on a roost as bats avoid locations that are heavily lighted.

If amendments are required at any point that would require a mature tree to be felled then a bat assessment should be required prior to determination. Similarly if any street lighting is proposed it would need to be demonstrated that trees impacted upon by the lighting had low bat roosting potential, or that the street lighting would have no negative impacts on any trees through provision of lux contour plans around each street lamp.

It is recommended that the habitat mitigation be conditioned as part of soft landscaping in the form of a replacement hedgerow around the passing place. A suitable condition is recommended.

Other Matters

The existence of a covenant that requires that agreement needs to be given for access is a private legal matter which is not a material planning consideration. The grant of planning permission does not override such covenants or indeed other legislation or third party controls.

Conclusion

The grounds of objection cited by the local residents and the points of challenge to the submitted information are acknowledged. However, the Council's agricultural advisor is satisfied that the proposed development is supported by the National Planning Policy Framework (NPPF) and Policy HS10 (Agricultural Workers Dwellings in the Countryside) of Chorley Borough Council and it is appropriate to rely on this advice. It is considered that the farming activities are well-established and an essential functional need exists for an agricultural worker to reside at Higher Healey Farm. It has also been adequately demonstrated that the farm business is capable of funding the cost of the dwelling from the business without placing the business in jeopardy; and that the functional requirement cannot be met by an existing suitable and available dwelling within the immediate locality of Higher Healey Farm.

LCC highways are satisfied that the provision of a single passing place on the access track within land owned by the applicant will ensure that there would be no detrimental harm to highway safety. The potential ecological impact of the provision of the passing place can be mitigated and a suitable condition is recommended.

The size of the dwelling can be controlled by condition and the future association of the dwelling to the land holding can also be controlled through a S106 agreement.

Recommendation

It is considered that there are no other outstanding matters and it is again recommended that the application is approved subject to conditions and an associated S106 agreement to tie the land with the new agricultural workers dwelling.

PREVIOUS REPORT

SITE DESCRIPTION

Higher Healey Farm is accessed from Higher House Lane via a farm track that provides access to several dwellings in addition to the farm buildings. The farm is located to the east of the

village of Knowley. The land is situated approximately 125m above sea level and is mostly gently sloping from east to west.

The site is located within an Area of Other Open Countryside to the west of Chorley and to the North of Healey Nab and there are footpaths that run to the North and East of the farm that provide access to Healey Nab and the application site would be visible from parts of this footpath network.

DESCRIPTION OF PROPOSED DEVELOPMENT

This application is for outline planning only for a farm workers dwelling with access determined as part of this application (the design, scale and layout of the proposed dwelling will be subject to reserved matters applications).

RELEVANT HISTORY OF THE SITE

Ref: 02/01221/AGR **Decision:** WDN **Decision Date:** 24 December 2002
Description: Application for Determination in respect of the erection of an agricultural storage building,

Ref: 03/00012/FUL **Decision:** PERFPP **Decision Date:** 30 April 2003
Description: Erection of agricultural building for storage & livestock,

Ref: 04/00354/FUL **Decision:** REFFPP **Decision Date:** 19 May 2004
Description: Erection of agricultural livestock and storage building,

Ref: 04/00605/FUL **Decision:** WDN **Decision Date:** 7 July 2004
Description: Erection of agricultural livestock and storage building,

Ref: 04/00744/FUL **Decision:** PRRRTF **Decision Date:** 24 August 2004
Description: Retrospective application for general purpose agricultural building,

Ref: 04/00964/FUL **Decision:** PERFPP **Decision Date:** 19 November 2004
Description: Erection of agricultural livestock and storage building,

Ref: 06/00160/AGR **Decision:** WDN **Decision Date:** 20 February 2006
Description: Agricultural Storage Building

Ref: 15/00343/FUL **Decision:** PERFPP **Decision Date:** 20 July 2015
Description: Agricultural Building for Midden Storage

Ref: 15/00789/P3PAO **Decision:** WDN **Decision Date:** 11 September 2015
Description: Prior approval application under Part 3, Class Q (a) and (b) of The Town and Country (General Permitted Development) Order 2015 to convert part of an existing agricultural building into a dwelling along with the building operations necessary to convert the building

Ref: 15/00920/FUL **Decision:** WDN **Decision Date:** 11 December 2015
Description: Retrospective application for agricultural storage building

Ref: 16/00037/CLEUD **Decision:** PEREUD **Decision Date:** 28 April 2016
Description: Application for certificate of lawfulness for existing agricultural building measuring 13.50m long x 5.90m wide.

REPRESENTATIONS

There have been 41 objections received to this application that have regard to the following issues:

- That the guidance within PPS7 Annex A should still be used to assess this application and is backed up by appeal decisions.
- The proposed dwelling does not meet the functional and financial tests

- The need for the dwelling is not demonstrated, there is no evidence in accordance with other appeal decisions of births, injuries or deaths and the visits to the site recorded on CCTV are infrequent.
- The size of the proposed residential curtilage should not be bigger than the proposed dwelling and the scale of the proposed dwelling is not defined.
- The site is within the defined green belt and is unacceptable development within the green belt.
- The land is tiny and does not justify an agricultural workers dwelling.
- The only person seen on the site is Alison Hibbert and her partner who live locally and therefore there is no need for a dwelling on site and contrary to the application information that Alison is taking a back seat.
- The numbers of animals is not as described or on the scale of what is described.
- There is uncertainty about the financial viability of the farm enterprise to meet the costs of constructing the dwelling.
- This proposal will spoil the last remaining natural unspoilt countryside within Chorley.
- This application should be disregarded without a second thought.
- There has never been any cattle seen on this land.
- Being the footpath checking co-ordinator for Chorley the proposed building would be over the PROW of No 3 & 6.
- The site is within an area of outstanding natural beauty.
- There is no need for any more housing and there is already too much traffic.
- The track leading to the farm is virtually impassable by normal vehicles, walkers and cyclists.

CONSULTATIONS

Lancashire Highway Services – No objection subject to the provision of two passing places on the access track to the farm.
Waste & Contaminated Land – No objections

Lancashire County Council Public Rights Of Way – There is an unauthorised diversion of the public footpath 6 along the access track and there is a current dispute about the maintenance of that part of the public footpath from Higher House Lane to Higher Healey House. The application site does not interfere with the public rights of way.

United Utilities – No objection subject to the site being drained on a separate system.

Parish Council – No comments received

ADAS Ltd – See body of report

PLANNING CONSIDERATIONS

Principle of the development

1. The main issue is whether there is an essential need for a dwelling to accommodate a rural worker in relation to this satellite unit that is operated as part of a larger complex of farms that include sites in Westhoughton.

2. Policy BNE2 relates to Development in the Area of Other Open Countryside and this policy indicates that development will be permitted provided the applicant can demonstrate that :-

   a) It is needed for the purpose of agriculture or forestry or other uses appropriate to a rural area.

   As this application is for a dwelling for an agricultural worker then if the assessment of essential need under Policy HS10 of the Local Plan is met and the proposed development is in accordance with that policy then the policy requirements of Policy

BNE2 would be satisfied and therefore the consideration of Policy HS10 is the primary consideration in relation to the development plan.

3. Policy HS10 : Agricultural Workers Dwellings in the Countryside indicates that new dwellings will only be permitted when accommodation is required to enable agricultural workers to live at or in the immediate vicinity of their place of work…and

   a) New permanent dwellings will be allowed to support existing agricultural … activities on well-established agricultural units provided that:
      i. There is a clearly established functional need
      ii. The functional need relates to a full time worker or one primarily employed in agriculture,
      iii. The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
      iv. The functional need could not be fulfilled by another dwelling on the unit or any other existing accommodation in the area which is suitable and available; and
      v. The siting of the proposed dwelling is well related to the existing farm buildings or its impact on the landscape could be minimised.

   Taking each of these considerations in turn and following the two formal responses from ADAS who have been appointed to assess the application on behalf of the Local Planning Authority and who have undertaken a site visit and inspected records :-

There is a clearly established functional need;

4. The farm business is well-established and has been operational at Higher Healey Farm since its purchase in 2001, a period of some 15 years. The applicant has calculated the labor requirement for the farm business to be 4.13 Labor Units (full-time equivalents) which arises from the farming activates at Radcliffe House Farm, Bowlands Farm and Higher Healey Farm.

5. In respect of Higher Healey Farm, that functional needs arises due to the presence of breeding stock, suckler cows and breeding ewes and their offspring, including calving and lambing. Currently this functional requirement is being served by the applicant commuting from Westhoughton, some 11.5 miles with an estimated journey time of 18 minutes. Given the nature and scale of the farming activities at Higher Healey Farm this arrangement is considered to fall well below what could reasonably be considered to be a suitable and satisfactory arrangement.

6. It is the opinion of ADAS that to ensure the health and welfare of the housed livestock and the effective operation of the business, there is an established functional requirement for a suitably experienced and competent person to reside in close proximity to the farm and to be readily available to the business at most times. This requirement can ordinarily most satisfactorily be met by the provision of residential on-site accommodation for occupation by a farm manager or worker.

7. The position of the objectors in relation to this point is that the person that works at Higher Healey farm is Alison Hibbert, the applicant states that she is taking a back seat in relation to Higher Healey Farm but it is evident through observations and CCTV coverage that it is Alison that has continued to work at the farm and not on a permanent basis that is envisaged within the policy.

8. The agricultural advisor has further investigated records of sheep and cattle movements and stock numbers and it is his expert view that the number of cattle and sheep produced and reared at Higher Healey Farm and Radcliffe House Farm is consistent with the numbers reported in the Planning Appraisal and Design and Access Statement, dated October 2016, with seasonal fluctuations as would ordinarily be expected in any

farming operation. There is a functional need for an agricultural worker to reside at or in reasonably close proximity to the buildings at Higher Healey Farm and that need arises from the agricultural activities at Higher Healey Farm and in particular the management and supervision of stock.

9. The above evidence of functional need does not relate to any particular named individual but someone who is engaged in the business and is suitably experienced, skilled and competent to undertake the necessary tasks. In this respect it is irrelevant whether or not the dwelling is occupied by a partner in the business or an employee, providing the occupant has the necessary skills, is engaged in agriculture and is available to meet the functional needs of the business.

10. It is considered that this Local Plan requirement has been satisfied.

The functional need relates to a full-time worker employed in agriculture;

11. The applicant has estimated the total labor requirement for the farm business to be 4.13 LU's (Labor Units) of which 2.98 LU's is required at Radcliffe House Farm and Bowland Farm and 1.15 LU's at Higher Healey Farm. ADAS considers this to be a reasonable estimate of labor requirements for the operation of the farm business as described. From this calculation it can be seen that the principle labor requirement arises from the farming activities at Radcliffe House Farm, which is where the labor is currently located. However, there is also a requirement for labor at Higher Healey Farm which relates to a full-time worker.

12. The position of the objectors is that they have not witnessed the applicant or Alison Hibbert regularly attending the farm and tending to livestock. In this setting they question whether there is a functional need relating to a full time worker or one primarily employed in agriculture. In addition Alison Hibbert has for many years run the farm with ad-hoc visits from off-site accommodation coming and going as necessary and continues to do so. The objectors conclude that the mere increase in convenience for the applicant is not sufficient to justify the harm to the rural environment which would be caused by a new dwelling in this rural location.

13. Adas as indicated above have provided their view that there is a functional need for an agricultural worker at Higher Healey Farm, that the animal numbers are consistent with the submitted reports by the applicant and that there is a need for 1.15 Labor units are required for Higher Healey Farm.

14. It is considered that this Local Plan requirement has been satisfied.

The agricultural unit has been established for at least three years, has been profitable for at least one and is currently financially sound and has clear prospect of remaining so.

15. It is evident that the farming business has been established for at least three years in its current form. However, the applicant has not submitted any financial data, such as audited accounts, to demonstrate that the farm has been profitable for at least one of the last three years and is currently financially sound. However, given that the family farming business has been established since 1945 and is continuing to trade, the Council may consider this to be an unnecessary requirement to place upon the applicant.

16. ADAS have discussed the financial information associated with the farming enterprise including Higher Healey Farm and are aware of the profitability of the farming enterprise over the last few years and how the cost of the new dwelling would be met and Chorley have had confirmation from Adas that the applicant has satisfied them of any outstanding concerns in respect of finance.

17. It is considered that this Local Plan requirement has been satisfied.

The functional need could not be fulfilled by another dwelling;

18. It is ADAS opinion that the functional need as identified could only be met by a dwelling that is within reasonably close proximity to the farm buildings accommodating the cattle and sheep. Close proximity can be defined as within 'sight' and 'sound' of the housed livestock.

19. The view of objectors is that as Alison Hibbert has operated the farm from a property nearby that this justifies that no additional dwelling is required. There is reference to an appeal decision where the inspector indicated that a house off site would meet the needs of the business and also that response times in the event of an emergency would be quick.

20. Whilst there is no evidence of animal death, injury or loss then ADAS have considered alternative dwellings and from their site visit and review of alternative properties within the locality that could meet the needs of an essential agricultural worker to be resident on site or within ie sight and sound of the housed livestock then there are no dwellings available.

21. It is considered that there is a balance of evidence in respect of this part of the policy with an appeal decision albeit from Derbyshire indicating that a property 1 mile away would be sufficient and the view of the consultant from ADAS that there are no suitable properties in the locality. The appeal case in Derbyshire was however in respect of an additional dwelling at a farm, so there was already a farm house and so an emergency presence with then a property 1 mile away for an additional family worker being sufficient. On the basis of the evidence before the Council on this part of the policy then it is considered that this part of the policy has been satisfied.

The siting of the proposed dwelling is related to the existing farm buildings.

22. On the basis of the Location and Site Plans it is evident that the proposed dwelling will be well placed to oversee the operation of the farming activities at Higher Healey Farm.

23. It is considered that this Local Plan requirement has been satisfied.

Access and parking

24. The access to the site is via a private road split into two sections, the first section is from Higher House Lane to the gated access to Higher Healey House and Higher Healey Barn. The view of LCC highways is that this section is very narrow and with a permanent dwelling on site with 2 or 3 bedrooms then either one or two passing places would be required.

25. At the junction of the private lane with the gated access to the aforementioned properties the access track is wider and can provide for two cars to pass and from a recent site visit allowed a 7.5 tonne rigid vehicle and a car to pass at his point. The applicant does own land to the west of the private track with some of this land at a higher level than the track and other parts at a much lower level than the track. It would however be possible to secure a single passing point to be designed and implemented however as this is a requirement of highways then the method of securing this passing place would have to be a "Grampian" condition and pre-commencement condition. The land to the west of the track is known as Temple Wood and referred to by an objector as a Conservation Woodland however there is no planning designation specific that would protect the woodland from any form of development and the presence of the woodland would not represent a reason for refusal for the whole development.

26. The second section of the private track is past the gated access to the aforementioned properties and would give access to the farm and currently provides footpath access to Healey Nab however this is not in accordance with the scheduled footpath map. It is considered that this part of the access track would have significantly less traffic associated with it and whilst narrow then there is limited prospect of conflict between users and the impact would not be severe.

27. Having regard to the size of the dwelling with 2-3 bedrooms and the size of the curtilage proposed there would be adequate parking space associated with the dwelling.

28. It is considered that the access to the site does require to be improved along the first section but that, subject to design, that a passing place within the ownership of the applicant could be achieved. This would require the imposition of a Gramian style condition to be imposed.

Character and Appearance

29. The application is in Outline with all matters associated with the location and design reserved for subsequent approval. The applicant has agreed to restrict the potential size of the dwelling to 2000sq ft and this scale of dwelling is being further considered and will be updated on the addendum. The maximum height of the dwelling can also be restricted to limit the scale and impact that the potential dwelling could have within the landscape.

30. It is considered that farming and farmers have shaped the surrounding landscape and the special characteristics that many of the objectors feel are special and should not be impacted upon. The site is not within the Green Belt as many of the objectors have cited and the land is however within open countryside and Policy BNE2 does allow for an agricultural workers dwelling within such an area.

31. The proposed dwelling would be sited adjacent to one of the existing farm buildings and should the property have a 1 ½ storey design as the agent is proposing then the location that is proposed would not be prominently sited as there are long range views from the west of Healey Nab and the farm from most of the central area of Chorley. The land to the east rises up to the official footpath route and the proposed house would be seen in the context of the group of farm buildings comprising Healey House Farm and would not be out of character with the location.

32. The design, scale and layout but also landscaping are all matters that are subject to subsequent approval and the impact of the dwelling can be mitigated and controlled as part of the reserved matters application.

Other Matters

33. The applicant has put forward matters of site security as a material consideration linked to both stock and machinery however having consulted with the police then there is only one complaint of sheep worrying that has been recorded and no thefts from the farm and limited thefts from other rural enterprises in the locality.

34. It is not considered that significant weight can be attributed to this matter or added to the planning balance.

Conclusion

35. In conclusion the farming activities are well-established and an essential functional needs exists for an agricultural worker to reside at Higher Healey Farm. It is the opinion of ADAS that the proposed development is supported by the National Planning Policy Framework (NPPF) and Policy HS10 (Agricultural Workers Dwellings in the Countryside) of Chorley Borough Council. It is also considered that :

36. The farm business is capable of funding the cost of the dwelling from the business without placing the business in jeopardy; and that the functional requirement cannot be met by an existing suitable and available dwelling within the immediate locality of Higher Healey Farm.

37. Having regard to the development plan and the NPPF, the individual policy requirements of Policy HS10 have been met sufficiently that would justify an agricultural workers dwelling based on the advise from ADAS that included site visits to both farm

locations and the consideration of financial information, movement records and registers of animals.

38. The size of the dwelling can be controlled by condition and the future association of the dwelling to the land holding can also be controlled through a S106 agreement. It is considered that there is no other evidence that would outweigh the consideration of this proposal to be in accordance with the development plan as a whole.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Suggested Conditions

Conditions for Higher Healey

1. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Either as part of the first reserved matters application or prior to the commencement of the development details of a scheme for the construction of the proposed layby or passing place to be constructed on the access track leading from Higher House Lane shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the scheme/works for provision of a passing place are acceptable before work commences on site.

3. No part of the development hereby approved shall be occupied until the approved scheme for the construction of a passing place as indicated on the unreferenced plan received 12 June 2017 has been constructed and completed.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

4. A scheme for the landscaping of the development and its surroundings shall be submitted as part of the reserved matters application. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. The content of the plan should include elements to mitigate for loss of trees shrubs and bird nesting habitat.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, 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.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the ecological impacts of the development and secure a high quality design.

5. Either as part of the first reserved matters application or prior to the commencement of the development details of a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

6. Either as part of the first reserved matters application or prior to the occupation of any of the dwellings hereby approved details of a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident’s management company; and

b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

7. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

8. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

9. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

12. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so is can be assured that the design meets the required dwelling emission rate.

13. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working or last working at Brinscall Hall Farm in agriculture or in forestry or a widow or widower of such a person and to any resident dependents.

Reason: To ensure that the dwelling are kept available to meet the needs in the locality for agricultural or forestry workers' accommodation, as the site is within an area where residential development for purposes other than the essential requirements of agriculture, or forestry, are not normally permitted

14. The scale of the dwelling hereby approved shall be limited to a maximum of 150 square metres.

Reason: The dwelling is justified as an agricultural workers dwelling and the scale of the dwelling in this location of an area of Other Open Countryside is justified to be limited due to the location and proximity to public rights of way. An unrestricted scale of dwelling would be harmful to the character of the local area.

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

Drawing: Location Plan Received on 31.10.16

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.

Reason: The dwelling is justified as an agricultural workers dwelling and the scale of the dwelling in this location of an area of Other Open Countryside is justified to be limited due to the location and proximity to public rights of way. Further extensions may be harmful to the character of the local area.