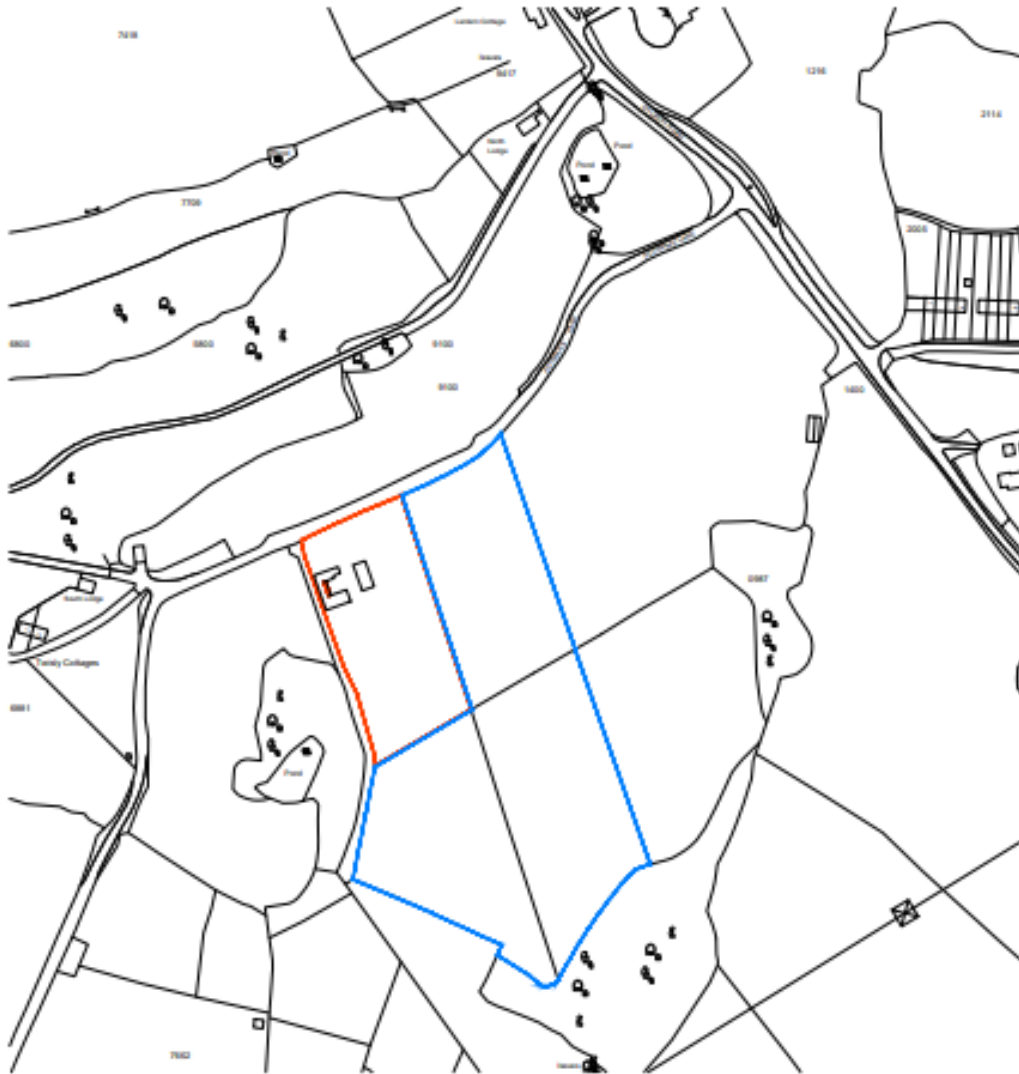


SITE PLAN

CATSFIELD

RR/2022/219/P

Glebelands
Potmans Lane



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Not to Scale

Rother District Council

Report to - Planning Committee
Date - 13 October 2022
Report of the - Director – Place and Climate Change
Subject - Application RR/2022/219/P
Address - Glebelands, Potmans Lane, CATSFIELD
Proposal - Change of use (part retrospective) and extension of existing agricultural building to a live/work residential unit.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **REFUSE (FULL PLANNING)**

Director: Ben Hook

Applicant: Mr & Mrs Morris
Agent: Mr S. Finnis
Case Officer: Mr M. Worsley
(Email: matthew.worsley@rother.gov.uk)

Parish: CATSFIELD
Ward Members: Councillor G.C. Curtis

Reason for Committee consideration: Councillor Curtis call-in - site has been assessed for council tax as a dwelling.

Statutory 8-week date: 16 May 2022
Extension of time agreed to: 29 July 2022

This application is included in the Committee site inspection list.

The application was deferred at the July 2022 Planning Committee meeting so that the Rural Estates Surveyor could be consulted on the Applicant's revised business plan.

1.0 SUMMARY

- 1.1 This application proposes the creation (retrospective) of a live/work unit within a stable/barn, with a small extension. The 'U' shaped building lies within the countryside outside any defined development boundary.
- 1.2 The holding is very small with part used as a 'certificated' caravan site. The site does not have formal planning permission and only operates under the

auspices of the Camping and Caravan Club. The remaining agricultural activity is limited and does not require an agricultural worker to live on site.

- 1.3 The Rural Estates Surveyor has confirmed there is no functional need relating to a full-time worker. They say the scale of the proposals in terms of labour need, or out of hours need, is too small to warrant the provision of a rural worker's dwelling. In addition, they advise that no business accounts have been provided and therefore no evidence to demonstrate that the unit and the agricultural activity concerned are financially sound and have a clear prospect of remaining so. In such circumstances, the financial test cannot be met. The brief information that has been provided has limited basis for assessment, no supporting documentation, and the figures appear wholly speculative. Finally, they advise that it has not been demonstrated that the claimed functional need cannot be fulfilled by existing accommodation in the local area.
- 1.4 For the reasons explained the proposed agricultural worker's dwelling has not been demonstrated to satisfy the policy requirements as there is no functional or financial justification for any dwelling on the site.
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2.0 SITE

- 2.1 The site is a field which lies to the southern side of Potmans Lane, around 0.3km southwest of the junction with Church Road. The site is outside the Development Boundary for Bexhill as defined in the Development and Site Allocations Local Plan (DaSA). The site lies outside the High Weald Area of Outstanding Natural Beauty (AONB) but is in the countryside.
- 2.2 The site comprises a barn, together with a polytunnel and other smaller structures which support the existing small holding. The field gently slopes towards the south.
-

3.0 PROPOSAL

- 3.1 The application seeks planning permission for the change of use (part retrospective) and extension of the existing agricultural building permitted under RR/2015/2309/P to a live/work residential unit.
- 3.2 The extension would provide an internal passageway, facing the internal courtyard, which would be used to access each room within the building. The residential accommodation would be separated into individual rooms comprising:
- A kitchen/dining room
 - A cupboard
 - A shower room
 - A living room
 - A bedroom

The agricultural rooms, again, separated individually comprise:

- A store
- A processing and Dyeing room
- A machinery workshop

- A spinning workshop
- 3.3 The planning statement advises: *It is the Applicant's intention to begin selling the products made in site. With the creation of a live/work unit and being able to live on site, the Applicants will have the confidence to invest further into the business...*
- 3.4 It is proposed to grow more exotic and niche plants and start a breeding programme for the alpacas and Angora goats. It is stated that there have been many security issues with attempted break-ins. It is stated that the on-site presence will deter this and provide assistance for users of the adjoining campsite.

4.0 HISTORY

- 4.1 RR/2004/2830/P Siting of temporary agricultural workers mobile home (retrospective application). Refused, appeal dismissed.
- 4.2 ENF/CAT/2004/304 (Enforcement appeal) – Change of use of land to mixed use comprising storage of caravan and use of land as caravan site. Appeal dismissed.
- 4.3 RR/2006/301/FN Erection of barn for storage of equipment/feed/hay. additional safe rearing area. Planning required.
- 4.4 RR/2007/2456/P Retention of hardstanding and two sheds used for storage of animal feed/equipment. Refused.
- 4.5 RR/2013/1310/FN Storage shed. Planning required.
- 4.6 RR/2015/2309/P Erection of stable building/barn, together with permeable turning area for vehicle. Setting back of existing access gate – Approved Conditional.
- 4.7 RR/2016/649/P Provision of store for animal welfare linked to existing approved housing for livestock – Approved Conditional.
- 4.8 RR/2016/2420/P Erection of single polytunnel within existing agricultural unit – Approved Conditional.
- 4.9 RR/2020/2483/FN Proposed horticultural polytunnel – Planning Required.
- 4.10 RR/2021/869/O Certificate of Lawfulness for the existing use of section of agricultural units group as residential dwelling (Use Class C3) – Refused.

5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1 (presumption in favour of sustainable development)
 - OSS1 (overall spatial development strategy)

- OSS2 (use of development boundaries)
- OSS3 (location of development)
- OSS4 (general development considerations)
- RA2 (general strategy for the countryside)
- RA3 (development in the countryside)
- SRM1 (towards a low carbon future) (part (i) was superseded by the Rother District Council Development and Site Allocations Local Plan)
- SRM2 (water supply and wastewater management)
- CO6 (community safety)
- EN1 (landscape stewardship)
- EN3 (design quality)
- TR3 (access and new development)
- TR4 (car parking)

5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:

- DRM1 (water efficiency)
- DRM3 (energy requirements)
- DHG3 (residential internal space standards)
- DHG4 (accessible and adaptable homes)
- DHG7 (external residential areas)
- DEN1 (maintaining landscape character)
- DEN5 (sustainable drainage)
- DEN7 (environmental pollution)
- DIM2 (development boundaries)

5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.

6.0 CONSULTATIONS

6.1 Rural Estates Surveyor

6.1.1 30 August 2022 – comments summarised:

- Proposal needs to be assessed against Policy RA3 (iii) (a) of the Rother Local Plan Core Strategy and paragraphs 79, 80 and 84 of the National Planning Policy Framework.
- The labour requirement on the holding for the animals present is 144 standard man days (SMDs) which is considerably less than one full-time worker (usually 275 SMDs).
- The mix of farming enterprise does not require a full-time worker or one who is primarily employed in farming.
- The labour needs of the caravan site are minimal.
- Horticultural elements are too small to warrant or justify a permanent rural worker's dwelling.
- Overall, the scale of the proposals in terms of labour need, or out-of-hours need, is too small to warrant the provision of a rural worker's dwelling.
- No business accounts have been provided. There is no evidence to demonstrate that the unit and the agricultural activity concerned are financially sound and have a clear prospect of remaining so. In such circumstances, the financial test cannot be met.

- The brief information that has been provided has limited basis for assessment, no supporting documentation, and the figures appear wholly speculative.
- In the absence of formal accounts it is impossible to determine that the unit is currently profitable; is financially viable; and has a clear prospect of so remaining.
- An examination of the Rightmove website identifies several properties available to purchase within three miles of the site for between £220,000 and £250,000; there are also properties available to rent from £925 per calendar month.
- I conclude that the application does NOT meet the National Planning Policy Framework and Local Plan tests for the provision of an agricultural worker's dwelling.

6.1.2 29 September 2022 – comments summarised:

- Additional comments provided in response to Saunders Rural Solutions submission.
- Agrees a figure of 2.4 SMD should be added for haymaking.
- Notes the gender split of alpacas.
- Suggested that all females are breeding – this would however need evidencing by breeding records.
- As herds increase, economies of scale kick in.
- A labour allowance for the caravan site should be included but should not be compared to a 45-pitch site. The maximum number permitted on this certified site is five. This is low key with minimal labour requirement.
- A revised table for the SMDs for the site has been produced which shows that taking account of the adjustments the estimated labour requirement for the unit is 160.6 SMDs.
- A full-time worker is assumed to provide 275 SMDs per year; a labour requirement of 161 SMD does not equate to a full-time worker.
- 161 SMDs could be considered to fulfil the requirement of “primarily employed in the farming and other land-based business...” as it represents 58% of a full-time worker. Plus, the processing/dying/spinning of the fibre and produce grown and harvested on-site would legitimately add to the labour requirement for this rural business.
- However, fundamental to this assessment is the question of essential need and this was NOT addressed in either the PS or AAR – it has NOT been addressed in the rebuttal response. In this case, there might be (subject to evidence) up to 10 female alpacas that could give birth; six angora and three pygmy goats; two sows and a few rabbits/guinea pigs. All these animals could give birth throughout the year (with some doing so on more than once per annum). This might be once every fortnight – but even this would be likely to be an over-estimate – the Applicants might be able to furnish calving/kidding/farrowing records to substantiate this element.
- Whilst there does need to be someone available to assist – the likely timings are such that this will be occasional – and there are other houses nearby that could furnish that need. Equally, a caravan could be used for occasional overnight stays to provide for the needs of the livestock.
- A financial assessment was NOT provided in the PS or AAR; it has NOT been addressed in the rebuttal and so all my previous comments remain unchallenged. Planning permission for a permanent dwelling is only permissible provided the business is demonstrably profitable. In the

absence of formal accounts it is impossible to determine that the unit is currently profitable; is financially viable; and has a clear prospect of so remaining.

- It remains my opinion that the application does NOT meet the National Planning Policy Framework and Local Plan tests for the provision of an agricultural worker's dwelling.

6.2 Planning Notice

6.2.1 12 letters of support. The comments are summarised as follows:

- With the caravan park, they have brought in much welcomed tourism into the local area.
- Boost to local economy.
- Important to encourage small rural businesses and campsites to encourage tourism and retain the countryside.
- With caravan park and small holding, would be beneficial for them to be onsite full time.
- No detrimental impact on Potmans Lane.
- They have made vast improvements – planted new trees, hedging, vegetable patch, shrubs, flowers, put up fencing etc.
- The work is supporting wildlife conservation, keeping rural crafts alive and producing home grown produce.
- Goats, alpacas and chicken are an added attraction for people stopping at the campsite.
- Current upsurge of interest in crafts and organic produce.
- Residential use will enable them to be more productive and create a viable rural crafts business to the benefit of the local community.
- Adds to my security and that of my livestock. Cameras also installed.
- Security for the animals, machinery and visiting caravans is essential, there is often evidence of fly tipping in the lane and due to their experience of attempted break-ins, 24-hour on-site presence will be of paramount importance.

6.2.2 Three objections received (summarised):

- Building Regulations for homes are different to workshops.
- No archaeological investigations.
- Applicant's intention has always been to live on the site.
- Blatant disregard for planning rules.
- Applicant only owns three goats and four alpaca.
- This is a hobby farm.
- Residential use not justified.
- Highway safety concerns.
- Increase in traffic.
- Polytunnels are empty year-round.
- Most of the people in support of the application live nowhere near the site.

6.3 Catsfield Parish Council – **NO OBJECTION**

6.3.1 No comments.

7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £4,829.00.
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8.0 APPRAISAL

- 8.1 The main issues for consideration:
- Justification of a farm worker's dwelling
 - Sustainability
 - The impact of the dwelling on the locality within the countryside
 - The impact on neighbouring properties
 - Drainage and pollution
 - Highway safety and parking
- 8.2 *Justification for a farm workers' dwelling*
- 8.2.1 Policy OSS2 of the Rother Local Plan Core Strategy and Policy DIM2 of the DaSA explain that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not.
- 8.2.2 Policy OSS4 (iii) of the Rother Local Plan Core Strategy requires development to respect and not detract from the character and appearance of the locality.
- 8.2.3 Policy EN1 of the Rother Local Plan Core Strategy seeks the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features. Policy DEN1 of the DaSA seeks to reinforce the natural and built landscape character of the area in which development is to be located.
- 8.2.4 Policy EN3 of the Rother Local Plan Core Strategy requires all new development to be of a quality design taking into account a variety of factors including context.
- 8.2.5 Policy RA2 of the Rother Local Plan Core Strategy states that the overarching strategy for the Countryside is to:
- (i) maintain the farming capacity of the district, and support the agricultural industry, including diversification within farming;*
 - (ii) encourage agricultural practices, land-based economic activities and woodland management, and related agri-environmental schemes, that reinforce local distinctiveness, landscape character and ecology;*
 - (iii) strictly limit new development to that which supports local agricultural, economic or tourism needs and maintains or improves the rural character;*
 - (v) support rural employment opportunities in keeping with rural character and compatible with maintaining farming capacity; and*

(viii) generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.

8.2.6 Policy RA3(iii)(a) of the Rother Local Plan Core Strategy sets out the extremely limited circumstances under which new dwellings will be allowed in the countryside and includes the following:

(a) Dwellings to support farming and other land-based industries. Normally, accommodation will initially be provided on a temporary basis for a period of three years. Both temporary and permanent dwellings will be subject to appropriate occupancy conditions, and all applications should comply with the following criteria:

- i. Demonstrate a clearly established functional need, relating to a full-time worker primarily employed in the farming and other land-based businesses;*
- ii. Demonstrate the functional need cannot be fulfilled by other existing accommodation in the area;*
- iii. Demonstrate the unit and the agricultural activity concerned are financially sound and have a clear prospect of remaining so;*
- iv. Dwellings are of appropriate size, siting and design.*

8.2.7 Paragraph 80 National Planning Policy Framework states: *Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.*

8.2.8 The Applicant puts forward the case that there is an essential need for a rural worker to live at the site. The application is made on permanent basis.

8.2.9 The onus is on the Applicant to satisfy the functional and financial tests identified in the policy criteria and businesses should be demonstrably financially sound. The supporting text in the Rother Local Plan Core Strategy (paragraph 12.64) states that this normally means that permissions will initially be on a temporary basis if a case is proven. The supporting text goes on to state that **permanent** dwellings will normally require the agricultural unit and activity to have been established for at least three years, have been profitable for at least one of them, be currently financially sound and have a clear prospect of remaining so.

8.2.10 In terms of the financial test, the Rural Estate's Surveyor has advised that no business accounts have been provided. There is no evidence to demonstrate that the unit and the agricultural activity concerned are financially sound and have a clear prospect of remaining so. In such circumstances, the financial test cannot be met. The brief information that has been provided has limited basis for assessment, no supporting documentation, and the figures appear wholly speculative. As the application is for a permanent dwelling, prices for produce need to have already been achieved and evidenced, as opposed to forecast, and business accounts must be provided.

- 8.2.11 In conclusion, it is not considered that the overall enterprise has been shown to be planned upon a sound financial basis, and the policy requirements of RA3(iii)(a)(iii) have not been met in this case.
- 8.2.12 With specific regard to whether a 'functional need' has been demonstrated which necessitates the presence of a worker to live on site and therefore a dwelling, this is not the case. It is not considered that the small number of animals justifies a functional need and the business has not been shown to be viable. This view is supported by the Rural Estates Surveyor who has confirmed that the livestock kept does not require a full-time worker primarily employed in farming. Whilst there does need to be someone available to assist, the likely timings are such that this will be occasional. There are other houses nearby that could furnish that need. Equally, a caravan could be used for occasional overnight stays to provide for the needs of the livestock.
- 8.2.13 Furthermore, the presence of the caravan site, resulting in profits that have been factored into the business plan, is not an agricultural activity that requires a worker to live on site and therefore does not necessitate a rural workers' dwelling. The proposal fails to demonstrate that the functional need and financial soundness test have been met in accordance with Policy RA3 (iii) (a) i and iii of the Rother Local Plan Core Strategy.
- 8.2.14 In terms of other accommodation available in the area, the Rightmove website shows many properties within three miles of the site priced between £220,000 and £250,000 or from £925 per month to rent. There is other existing accommodation in the area that would be appropriate to meet any functional need, should it be demonstrated.
- 8.2.15 Part (iv) of Policy RA3 also references appropriate size, siting and design. The supporting text for Rother Local Plan Core Strategy Policy RA3 (paragraph 12.64) states that careful consideration should be given to the siting, size and design, as well as access. The siting of new dwellings should be well-related to existing farm buildings or other dwellings, wherever practicable.
- 8.2.16 In this instance the residential accommodation would be provided in separate rooms connected by an internal corridor/passageway and would comprise a kitchen/dining room, cupboard, shower room, living room and one bedroom. The alterations involve enclosing an external passageway to create the internal corridor/passageway. While the creation of the enclosed passageway on its own may be considered acceptable and would not cause harm to the character or appearance of the locality, the quality of the resulting accommodation is considered sub-standard. The majority of habitable rooms, bedroom, living room and kitchen have a window within its walls providing an outlook, only rooflights within the roof slope above. The dining area is the only room with small windows within the walls and these are primarily located facing (2 of 3) into the internal courtyard, which itself is also fenced, so enclosed on all sides.
- 8.2.17 In terms of the DaSA policies setting internal (DHG3) and external (DHG7) space standards, the residential element comprises approx. 62sqm of floorspace and thus meets the standard of 51.5sqm. However, the very narrow bathroom, which is only just over 1m wide and 3m long, would not appear sufficient in size to accommodate toilet and washing facilities with

the internally opening door. There is no private external space identified although there is the enclosed yard.

8.3 *Sustainability*

8.3.1 The site is located within the countryside, remote from any town or village or other built up area. It is around 1km from the village of Catsfield and its associated shops, school and other services. There are no pavements or streetlights along the narrow lane.

8.3.2 There are no bus stops near to the site and no other public transport options. Occupiers of the dwelling on the site would therefore be heavily reliant on private vehicles, the least sustainable form of transport.

8.3.3 The development would not be well located in terms of access to public transport and services and would undermine the aims of local and national planning policies, which seek to direct development, and that of residential accommodation, to settlements where there is ready access to services and facilities. The development is contrary to Policies OSS3 (v), SRM1 (vii) and TR3 of the Rother Local Plan Core Strategy and paragraphs 8 and 110 (a) of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.

8.4 *The impact of the dwelling on the locality within the countryside*

8.4.1 While alteration of the existing stables/barn as put forward may not in itself have direct impacts on the landscape of the surrounding countryside, the additional domestic activity and paraphernalia that comes with domestic use would introduce an urbanising effect and be out of keeping with the intrinsic landscape character and visual appearance.

8.5 *The impact on neighbouring properties*

8.5.1 The dwelling would be sited away from neighbouring buildings and as such, would not appear overbearing or result in harmful overlooking.

8.6 *Drainage and pollution*

8.6.1 The accompanying statement with the application states that a septic tank is used for drainage with permeable paving to the parking area and pathway.

8.7 *Highway safety and parking*

8.7.1 Policy TR4 states proposed development shall: (i) meet the residual needs of the development for off-street parking having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking offsite whether on-street or off-street.

8.7.2 Policy CO6 states that a safe physical environment will be facilitated by: (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.

- 8.7.3 The existing access is shared by Glebelands, Seven Acre Horse Sanctuary and Brackendale Farm. The application does not include the anticipated number of vehicle movements from customers.
- 8.7.4 The planning statement advises that it is the Applicant's intention to begin selling the products made on site and to start a breeding programme for the alpacas and Angora goats. It is also envisaged to provide a 'home delivery service', however, no further details are given in this respect.
- 8.7.5 In view of the lack of information, the impact on highway safety cannot be fully assessed but given the narrowness of the access and implications for increased vehicular use, concern exists that there could be impacts to highway safety.
-

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 The holding is not currently operating on a financially sound and viable basis. Furthermore, the new business has not been shown to be planned upon a sound financial basis. The forecasted income also includes earning from activities that would not necessitate a rural worker to live on site.
- 9.2 The Rural Estates Surveyor has confirmed there is no functional need relating to a full-time worker. They say the scale of the proposals in terms of labour need, or out of hours need, is too small to warrant the provision of a rural worker's dwelling. In addition, they advise that no business accounts have been provided and therefore no evidence to demonstrate that the unit and the agricultural activity concerned are financially sound and have a clear prospect of remaining so. In such circumstances, the financial test cannot be met. The brief information that has been provided has limited basis for assessment, no supporting documentation, and the figures appear wholly speculative. Finally, they advise that it has not been demonstrated that the claimed functional need cannot be fulfilled by existing accommodation in the local area or by a caravan for occasional overnight stays to provide for the needs of the livestock.
- 9.3 In addition, the site is in an unsustainable location which would undermine the aims of local and national planning policies, which seek to direct development, and that of residential accommodation, to settlements where there is ready access to services and facilities.
- 9.4 For the reasons explained, the proposed development does not comply with Rother Local Plan Core Strategy or DaSA Local Plan policies or the various provisions contained within the National Planning Policy Framework. For the reasons explained the application cannot be supported.
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RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. It has not been demonstrated that the existing agricultural enterprise has a functional requirement for a full-time agricultural worker to live on site. In

addition it has not been demonstrated that the agricultural business is financially sound nor that it is forecast to become financially sound and as such it would not have regard to the need for it to fund a full-time agricultural worker's wage and creation/maintenance of the proposed dwelling. As such, the proposal would result in an unjustified new dwelling in the countryside, in conflict with Policy RA3 (iii) of the Rother Local Plan Core Strategy and paragraph 80 of the National Planning Policy Framework.

2. The site lies within an unsustainable countryside location where occupiers of the development would be highly reliant on private motor vehicles and would not be able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development is contrary to Policies PC1, OSS3 (v), SRM1 (vii) and TR3 of the Rother Local Plan Core Strategy and paragraphs 8 and 110 (a) of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.
3. In the absence of justification for the erection of an agricultural dwelling, the proposed residential use of the site with associated domestic activity and paraphernalia, would have a harmful urbanising effect in the countryside. The proposal as such would be an alien and obtrusive development within the otherwise rural character and appearance of the countryside that would cause harm to the intrinsic landscape and visual appearance of the rural locality, in conflict with Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (v) & EN1 of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan and paragraph 174 of the National Planning Policy Framework.

NOTE:

1. This refusal of planning permission relates to the following drawings:
Drawing No. 113-21-201, dated March 2021
Drawing No. 113-21-100, dated Jan 2021
Planning Statement
Supporting information – photographs
Report on business use

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.