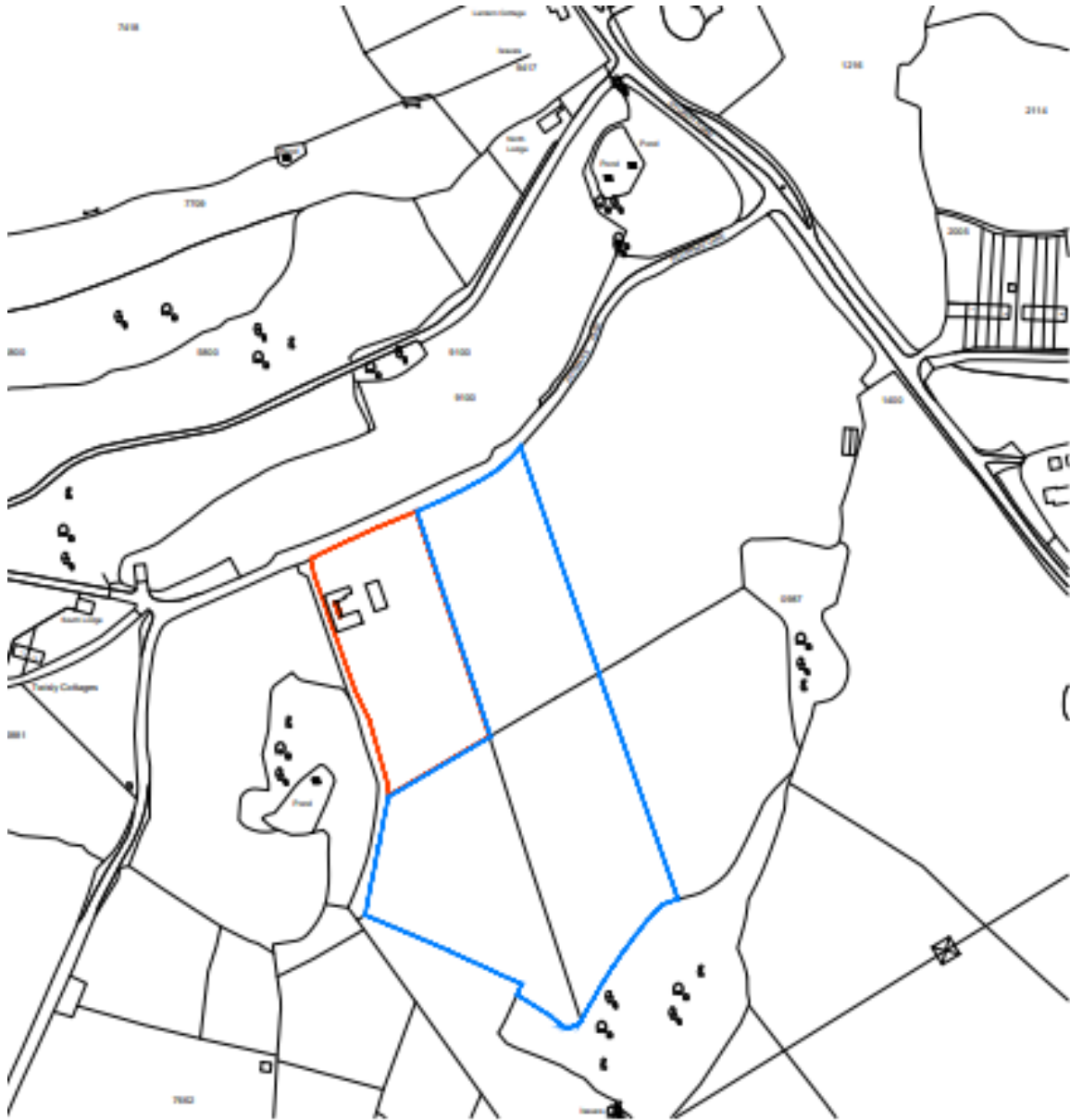


SITE PLAN

RR/2022/2712/P

CATSFIELD

Glebelands,
Potmans Lane



Rother District Council

Report to - Planning Committee
Date - 16 February 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2022/2712/P
Address - Glebelands, Potmans Lane, CATSFIELD
Proposal - Change of use (part retrospective) and extension of existing agricultural building to a live/work residential unit for a temporary period of three years (Resubmission of RR/2022/219/P).

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr and Mrs Morris
Agent: Finnis Planning Ltd
Case Officer: Miss Harriet Nurse
(Email: harriet.nurse@rother.gov.uk)

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

Reason for Committee consideration: Councillor Curtis call-in.

Statutory 8-week date: 14 February 2023

Extension of time agreed to: 22 February 2023 (No Response)

1.0 SUMMARY

1.1 This application proposes the creation (retrospective) of a live/work unit within a stable/barn, with a small extension, for a temporary time period of three years. It follows application reference RR/2022/219/P for the change of use (part retrospective) and extension of an existing agricultural building to a live/work residential unit, which was considered at the October 2022 Planning Committee meeting and it was resolved to refuse planning permission. The same business plan and agricultural statement accompany the current application, which the Council's Rural Estates Surveyor found deficient. 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. The agricultural business is neither operating at a profit or proposed to operate at a profit.

- 1.3 During consideration of RR/2022/219/P, the Rural Estates Surveyor confirmed there was no functional need relating to a full-time worker. They said 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 advised that no business accounts had been provided and therefore no evidence to demonstrate that the unit and the agricultural activity concerned was financially sound or had 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 advised that it had not been demonstrated that the claimed functional need cannot be fulfilled by existing accommodation in the local area.
- 1.4 As such the proposal for a dwelling for an agricultural worker has not been demonstrated to satisfy the policy requirements and there is no functional or financial justification for any dwelling on site, with a temporary nature or permanent.
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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.
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3.0 PROPOSAL

- 3.1 The application is a resubmission of RR/2022/219/P which seeks planning permission for a temporary period of three years 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: kitchen/dining room, cupboard, shower room, a living room and bedroom.
- The agricultural rooms, again, separated individually comprise: store, processing and Dyeing room, a machinery workshop and pinning 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 onsite presence will deter this and provide assistance for users of the adjoining campsite.
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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
- 4.11 RR/2022/219/P Change of use (part retrospective) and extension of existing agricultural building to a live/work residential unit. REFUSED
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5.0 POLICIES

5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:

- OSS2: Use of Development Boundaries
- 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 None.

6.2 [Planning Notice](#)

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

- The planting of native hedges and trees, in keeping with local area.
- Animals are an asset to all caravaners who stay at the site.
- This comes over immediately as a very professional, well laid out and maintained small holding, with well cared for and happy animals.

6.2.2 Two objections received (summarised):

- Residential use not justified.
- Applicant's intention has always been to live on the site.

- Blatant disregard for planning rules.
- Highway safety concerns.
- Increase in traffic.

6.3 Catsfield Parish Council – **GENERAL COMMENT**

- 6.3.1 The Parish Council as with the previous application remains divided in its assessment of this application. We understand that the previous application was rejected by Rother District Council at least in part because the business was not proven to be a going concern and that this application for a temporary 3-year period would assess if the business is an going and concern and is dependent on having on-site accommodation to be so.
- 6.3.2 The Parish Council will support by a significant majority this temporary 3-year period of assessment if a business case is provided now which either confirms that the business is a going concern now or would likely to be so within three years, and that it would make a positive contribution to the community and that the on-site accommodation is required to meet these criteria. If after the 3-year period these criteria are not met the Parish Council's view is that the accommodation should be removed.

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.

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 of a farm worker's dwelling*
- 8.2.1 Policy OSS2 of the Rother Local Plan Core Strategy and Policy DIM2 of the Development and Site Allocations Local Plan (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. This resubmitted application is made on a temporary 3-year 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. Policy RA3 (iii) (a) sets out that both **temporary** and permanent dwellings will be subject to appropriate occupancy conditions, and that **all applications** should comply with the following listed 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.*

- 8.2.10 In terms of the financial test, the Rural Estates Surveyor previously advised that no business accounts had been provided. Also there was no evidence to demonstrate that the unit and the agricultural activity concerned are financially sound or have a clear prospect of remaining so. In such circumstances, the financial test cannot be met. The brief information provided had limited basis for assessment, no supporting documentation, and the figures appeared wholly speculative. For both permanent and temporary dwellings, prices for produce need to have already been achieved and evidenced, as opposed to forecast, and business accounts must be provided. The Applicant's business plan and agricultural statement remain the same and therefore the Rural Estate Surveyor's comments still stand.
- 8.2.11 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.
- 8.2.12 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.
- 8.2.13 In terms of other accommodation available in the area, as of January 2023, the Rightmove website shows many properties within three miles of the site priced between £230,000 and £300,000 or from £875 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.
- 8.2.14 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.

8.2.15 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 no open 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.

8.2.16 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 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 planning 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. The temporary nature of this application for a 3-year time period, does not evidence or demonstrate a compliant case to Policy RA3 (iii) (a).

9.2 The consultation response (Rural Estates Surveyor), in respect of the previous application for a permanent residential use, confirmed there is no functional need relating to a full-time worker. They said 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. The temporary nature of this proposal being assessed, would continue to be too small scale to need to warrant the provision of a rural workers dwelling and as such there is evidence of no functional need relating to a full-time worker.

9.3 In addition, they also previously advised that no business accounts had been provided and therefore no evidence to demonstrate that the unit and the agricultural activity concerned were financially sound or had a clear prospect

of remaining so. With this current application, no business accounts have been provided and as such we can make the same conclusion. In such circumstances, the financial test cannot be met. It is considered that the brief information that has been provided has limited basis for assessment, no supporting documentation, and the figures and projections for future years appear to be wholly speculative. Finally, they advised 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. An internet search reveals that there is such accommodation available in the vicinity of the application site. Therefore, it is concluded that it has not been demonstrated that existing accommodation could not fulfil the claimed functional need.

- 9.4 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.
- 9.5 For the reasons explained, the proposed development does not comply with Rother Local Plan Core Strategy or DaSA policies or the various provisions contained within the National Planning Policy Framework. For the reasons explained the application cannot be supported.

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:
Site Plan as Proposed, Drawing No. 113-21-201, dated March 2021
Plans and Elevations as Existing, Drawing No. 113-21-100, dated Jan 2021
Plans and Elevations Proposed, Drawing No. 113-21-200, dated Jan 2021
Planning Statement by Finnis Planning
Appendix 2 – Business Plan
Supporting information – photographs

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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.