

Note: These Minutes have been amended. Please see Minutes of 20 March 2019 for amendments.

## **EASTERN AREA PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 27 FEBRUARY 2019**

**Councillors Present:** Peter Argyle, Pamela Bale, Graham Bridgman, Richard Crumly, Marigold Jaques, Alan Law (Vice-Chairman), Tim Metcalfe, Graham Pask (Chairman), Richard Somner and Quentin Webb (Substitute) (In place of Keith Chopping)

**Also Present:** Sharon Armour (Solicitor), Stephen Chard (Principal Policy Officer), Masie Masiwa (Senior Planning Officer) and David Pearson (Development Control Team Leader)

**Apologies for inability to attend the meeting:** Councillor Keith Chopping

#### **PART I**

##### **54. Minutes**

The Minutes of the meeting held on 6 February 2019 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

**Item 52 (2) – 18/02930/HOUSE – Purley Lodge Cottage, Purley on Thames – final paragraph of the debate:**

The Chairman invited the Committee to vote on the proposal which at the vote was carried with one abstention **from Councillor Tim Metcalfe.**

Councillor Graham Bridgman commented on the need for consistent recording of the resolutions for planning applications. The resolution need only state the decision of the Committee, there was no need to record whether a decision was taken unanimously or not. Abstentions should only be recorded if this was requested by the Member or Members concerned.

##### **55. Declarations of Interest**

Councillors Tim Metcalfe, Graham Pask and Quentin Webb declared an interest in Agenda Item 4(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

##### **56. Schedule of Planning Applications**

**(1) Application No. & Parish: 18/01470/FULD - Bushnells Green Farmhouse, Chapel Row**

*(Councillor Tim Metcalfe declared a personal interest in Agenda Item 4(1) by virtue of the fact that he knew the Plank family from his work as a farmer. He also knew one of the supporters, Mr Yann Le Du, very well for the same reason. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

*(Councillors Graham Pask and Quentin Webb declared a personal interest in Agenda Item 4(1) by virtue of the fact that they knew many of the members of the public who would be addressing the Committee. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

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The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/01470/FULD in respect of the retention of an existing timber lodge as farm worker accommodation as supported by new and additional evidence from the applicant. This would constitute non-compliance with condition 12 of approved 13/03014/FUL.

Masie Masiwa, Senior Planning Officer, introduced the report. He started by drawing Members' attention to errors contained in the committee report. The covering page of the committee report incorrectly stated that the application was called-in by Councillor Pask, but it was in fact called-in by Councillor Webb. He gave apologies for this error.

There was also a printing error on page 76 of the agenda pack, this page had been provided within the update report.

Mr Masiwa then referred to paragraph 1.2 of the update report. This provided a response to the Member query at the site visit as to whether temporary permission could be granted for the lodge. The update report advised that the lodge had already been granted temporary permission in 2008 for a period of three years and this temporary permission was renewed for an additional three year period in 2011. As indicated in the committee report, a permanent rural worker's dwelling had been approved for the farm enterprise and this had been completed. As such this application sought the retention of the temporary lodge building as a second permanent rural worker's dwelling. Officers therefore recommended that Members consider the application before them and not a further temporary permission.

Mr Masiwa then described the information provided by the applicant which highlighted that the application was based on the essential need of providing permanent and affordable accommodation on site for the shepherdess. The applicant argued that this requirement could not be met locally in alternative premises near enough to be effective to perform the role.

Mr Masiwa explained that the requirement for the shepherdess to reside on site was accepted, but it was the officer view that this need for the shepherdess could be met within the main dwelling and there was no additional need to retain the timber lodge for a second worker. This was a view shared by the Planning Inspector at the appeal in March 2017.

The Council's agricultural consultant, Kernon, reached the conclusion that there was only a need for one of the two workers to be readily available at all times and no requirement for both workers to live on site. The proposal went contrary to the National Planning Policy Framework (NPPF) and refusal of the application would avoid having an additional permanent dwelling in the countryside. It was considered that there was suitable accommodation in nearby settlements. The officer recommendation was refusal of the application.

In accordance with the Council's Constitution, Mr John Brims, Parish Council representative, Mr Chris Dent, adjacent Parish Council representative, Mrs Patricia Barclay and Mr Yann Le Du, supporters, and Mr Jeremy Plank and Mr Charles Holt, applicant/agent, addressed the Committee on this application.

### **Parish Council Representation (Bucklebury)**

Mr Brims in addressing the Committee raised the following points:

- Both Bucklebury and Stanford Dingley Parish Councils were fully supportive of this application. There was also an overwhelming level of support from local residents and this was added to by support for the farm from local veterinarians and agricultural experts.

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- This was a relatively new farm location and as such there were no existing/redundant buildings that could be used for accommodation. It was also the case that the business had grown eight fold over its years of operation.
- The proposal had been objected to by Council planners from the outset and some concern had been unfairly raised by the Council that the applicant had deliberately sought to mislead the Council and circumvent the planning process.
- The Planning Inspector had not been concerned about the impact on the AONB from the lodge, but did not feel from the evidence provided that an essential need was demonstrated for an additional rural worker to be permanently based at or near the site.
- However, there was no affordable housing locally. The cost of buying or renting a property was beyond a stock person's salary and this included properties within a five to ten mile radius. In addition, the time it would take to travel this distance was a cause for concern as the stock person(s) might not be able to reach the farm in the event of an emergency situation.
- It was felt that Planning Officers had 'cherry picked' the evidence from the consultant's report, i.e. that there was no requirement or evidence to support the need for two workers to be readily available at all times on site. However, it was not realistic to expect the second worker to live part of the year on site and the remainder of the year elsewhere.
- On site accommodation was needed and a high percentage of stock workers lived on site on many farms. The Kernon/Verity Drewett report stated that on site accommodation was needed in the form of the log cabin.
- The Planning Inspector's reasons for dismissing the appeal had been addressed.

### **Member Questions**

Councillor Graham Bridgman noted from paragraph 46 of the Kernon report that the opinion was given that the log cabin would have to be retained if the business continued operating at current levels. The committee report, paragraph 6.1.56, covered this at some length and he asked Mr Brims if he had noted that Planning Officers had disagreed with and did not ignore the Kernon assessment that retaining rural workers was not possible unless on site accommodation was provided. This paragraph stated the concern that should permission be granted in this instance it could set a precedent whereby every agricultural, equestrian or other rural business in the district that required an additional worker would be able to justify an additional permanent dwelling on site. Mr Brims responded by stating that the Council's view was not in line with that of their own consultant.

Councillor Bridgman referred to Mr Brims view that Planning Officers had been wrong to state that the applicant had sought to mislead the planning process. He pointed out however that the conditions of the approved planning application had not been adhered to and the lodge had not been removed as required. He asked Mr Brims if he accepted that. Mr Brims advised that the farm had moved on from the time when the planning permission was originally granted. Circumstances had changed and there was now a requirement for the lodge to be retained. He did not feel that the applicant had been misleading, they were responding to the ever changing needs of the business.

Councillor Bridgman reiterated that the temporary structure was not removed as required. Mr Brims commented that it would not have made sense to remove the lodge and then apply to have it reinstated. Councillor Bridgman stated his view that the agreed process should have been followed when the temporary permission expired in 2014.

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Councillor Alan Law sought to further understand whether there was considered to be an essential need for an additional worker to reside on site. Mr Brims pointed out that the Kernon report gave the view that the additional worker needed to live on site for a period of between two and three months, although the Planning Inspector stated four to six months. Mr Brims did not feel it was reasonable to expect an individual to live for up to six months in one location and in another dwelling for the remainder of the year. This would prove very costly for the individual. Councillor Law would clarify timeframes with Officers.

### **Adjacent Parish Council Representation (Stanford Dingley)**

Mr Dent in addressing the Committee raised the following points:

- Bushnells Green Farm overlapped the two parishes and, as stated by Mr Brims, Stanford Dingley Parish Council was supportive of the planning application.
- The lodge would be for residential use and, in the circumstances described, approval would not set a precedent.
- Refusal of this application would be contrary to the Department for Environment, Food and Rural Affairs (DEFRA) Mission Statement which included enabling a thriving rural economy. In addition, refusal would block the ability of a local business to support the local economy and employ local people.
- In terms of traffic, at peak times of the farming year, there were approximately 30 to 40 agricultural vehicle movements per day as well as HGVs. Traffic movements included the shepherdess in her Land Rover. However, movements took place throughout the year for this very busy enterprise which cared for many animals. It was essential that the lodge be retained to house the additional worker who had to be on site 24/7 throughout the year. The applicant also operated a large agricultural vehicle business.
- As already stated, there was extremely little opportunity to access affordable housing in the area.

### **Supporter Representation**

Mr Le Du in addressing the Committee raised the following points:

- The role of mixed farming was key in the Pangbourne Valley and it was essential to safeguard mixed livestock farms for biodiversity to continue.
- Stock workers fulfilled essential roles and to fulfil their roles they had to live in very close proximity to their work/the site.
- The high rate of inflation was an issue on housing prices. The local housing cost was well beyond the means of agricultural workers and it was not possible for farmers to arrange to house their workers.
- The financial viability of the business was secure, but it could become threatened if it was not possible to retain or if necessary replace the shepherdess.
- The overwhelming level of support for the application was almost unprecedented as evidenced by the Parish Councils. No objections had been submitted.
- Mr Le Du was hopeful that the application would be approved so that the business could continue to thrive and the farm could pass on to the next generation of the Plank family.

Mrs Barclay in addressing the Committee raised the following points:

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- She felt that the timber lodge should be retained. It did not create a harmful visual impact and its retention was crucial for managing the farm's livestock. This accommodation needed to be on site so that the second farm worker was also able to immediately respond when needed.
- The option of using a mobile home for the second farm worker would be unsightly.
- She commended the Planks for their very patient approach to the process. This application should have been processed a year ago. Mrs Barclay was hopeful that planning permission would be granted.

### **Member Questions**

Councillor Bridgman referred to the option of a mobile home/caravan. He queried why this would not be acceptable if it was limited to the period in the year when a second worker was needed on site. Mrs Barclay explained that as the sheep were moved from field to field through the year, the onsite accommodation was needed throughout the year.

Councillor Tim Metcalfe queried the time period for lambing. Mr Le Du explained that in general, lambing lasted for a period of three weeks. However, this time period would be extended if different flocks, as with the three at Bushnells Green Farm, were lambed at different times. Mr Le Du advised that lambing could cover an 18 week period if lambing periods did not overlap. He added that calving took place at other times of the year on the farm and estimated that stock was being born on the farm for six months of the year.

### **Applicant/Agent Representation**

Mr Holt in addressing the Committee raised the following points:

- He explained that he was an agricultural consultant and had undertaken work for both planning authorities and applicants.
- Mr Holt did not feel a 'one size fits all' planning approach could be taken when it came to farming.
- In this case, new evidence had come to light to support the application.
- The farm was financially viable and this was highlighted in the Kernon report. He had only seen this report in the last week despite earlier requests to receive it.
- The Planning Inspector had concluded that the lodge was not harmful to the AONB.
- The Kernon report confirmed there was a need for two workers to be onsite for part of the year. If permission was not granted it was uncertain where the shepherdess would live for the remainder of the year. It would be difficult to retain the services of the shepherdess or attract a replacement if there was a requirement to live in two different places. It was the case that landlords would not permit sheepdogs in their accommodation and the sheepdog needed to reside with the shepherdess.
- The Kernon/Verity Drewett report gave the view that the business could only be sustained if the lodge was retained for farm worker accommodation. He urged approval of the application.

Mr Plank in addressing the Committee raised the following points:

- He was very committed to farming livestock for the foreseeable future. Mr Plank was the third generation of his family to run the business and it was his aim to pass the farm on to the fourth generation.

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- The business continued to develop and livestock continued to grow in number. There were 3,700 sheep covering 2,000 acres of land.
- It was crucial to be able to offer housing at the farm, in the form of the lodge, so that workers could live on site.
- While the Council had approved the student bedroom, it had no cooking facilities and was therefore not suitable for the farm workers.
- The local community was supportive of the planning application.

### **Member Questions**

Councillor Law sought to understand the difference between the work undertaken by rural/agricultural workers and that undertaken by a shepherdess. He queried what particulars made it so important for the shepherdess to live on site. Mr Plank explained that the livestock needed to be fed and cared for daily and this needed to be provided by on site workers. Animals behaved unpredictably and this needed to be managed. Mr Holt added that a shepherd or shepherdess needed to have their dog(s) with them at all times and they formed a special bond. As already explained it was difficult to house sheepdogs in other accommodation.

Councillor Law continued by explaining that he wished to understand if there were exceptional reasons to approve this application to accommodate the shepherdess as opposed to a general rural worker. He queried how key it was to have the shepherdess on site. Mr Holt explained that this was crucial, the shepherdess needed to be on site every day to conduct her work.

In response to a question from Councillor Richard Crumly, Mr Plank advised that he owned 30 acres of the farm's land.

Councillor Metcalfe commented that one of the most important roles of the shepherdess was to assist ewes during lambing. He asked Mr Plank to estimate the number of lambs whose lives had been saved by the on-site shepherdess. Mr Plank estimated that this could be up to ten per day during the lambing season. There were extra difficulties to manage if this was at a time of poor weather conditions.

Councillor Law queried if the lodge would still be needed if the farm ceased to farm sheep. Mr Plank felt that while this was a difficult question to answer, the farming of sheep was the farm's main concern. Other livestock was also farmed, in particular cows, and Mr Plank advised that the accommodation would be needed as long as livestock continued to be farmed.

Councillor Bridgman noted from the plans that a farm office was contained within the lodge. He queried its use when an office was situated in the main dwelling. Mr Plank advised that this was used for storage.

Councillor Webb noted the land used by livestock on the plans, but queried if ewes were brought into the yard during lambing. Mr Plank confirmed this was the case. However, as already outlined, not all the ewes were brought into the farm for lambing at the same time as there were too many, this was why a staged process was used for lambing. The shepherdess also needed access to the expectant ewes. She had also needed to be on site to assist sheep during periods of severe hot weather.

Councillor Crumly queried if purchasing a separate property had been explored in the nearby vicinity rather than using the lodge. Mr Holt confirmed they had done so post the receipt of the Planning Inspector's comments. The Planks had approached their bank manager who advised them that the bank could not loan the money to the business to purchase a property for the shepherdess.

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### **Ward Member Representation**

Councillor Webb, speaking as Ward Member, made the following points:

- Officers' recommendation had been formed based on the requirements of the Local Plan. However, Members needed to consider whether they could exercise some flexibility in exceptional cases.
- The application was supported by both Parish Councils, it had received no letters of objection and 25 letters in support of the proposal.
- The increase in farming at Bushnells Green Farm should be applauded.
- He felt the case had been successfully made for keeping the lodge to house the shepherders on site.
- As evidenced at today's meeting, there was no other accommodation available in the local vicinity. As explained by the applicant the student accommodation was not suitable.
- The retention of the lodge in the AONB was not felt by the Planning Inspector to be detrimental to the area.
- Councillor Webb believed that Members should be flexible in this case.

### **Member Questions to Officers**

Councillor Bridgman referred to paragraph 6.1.61 of the report in which he highlighted a quotation from a 2013 High Court judgement. This stated that 'the NPPF test simply requires a judgement of whether the proposed agricultural enterprise has an essential need for a worker to be there or near there.' Councillor Bridgman noted that this extract related to the previous NPPF and he queried whether this view was altered by revised NPPF guidance. David Pearson, Development Control Team Leader, confirmed that the previous and current guidance on this point was virtually identical.

Councillor Bridgman queried the importance of this judgement. Mr Pearson explained that the key test for this application was whether there was the genuine need for an agricultural dwelling on site. The High Court judgement was a consideration for Members in assessing this test.

Councillor Law then returned to the question he asked earlier of Bucklebury Parish Council on the timeframe for when two workers would need to be on site. Differing views had been given which ranged from a period of between two and three months, and between four to six months. Councillor Law noted the period given for lambing in the report was from late February to late April/early May, i.e. 2.5 months.

Councillor Law next noted from paragraph 6.1.41 of the committee report reference to areas of land farmed on short-term rental arrangements. The Kernon report (paragraph 47) also referred to 'a heavy reliance on the short-term occupation of rented land' and he queried the significance of this.

Mr Pearson explained that the review of essential need took into account the likely permanence of the business. The nature of the existing business required on-site workers for part of the year, but an uncertainty for Officers was how permanent the business was and whether the size of the holding would remain unchanged. This could grow or reduce.

Councillor Law referred to the point made earlier by Bucklebury Parish Council that the farm had grown eight fold since 2008. However, Councillor Law was eager to understand how much it had grown since 2013/14 when the last planning application was approved

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for the site. The committee report, at paragraph 6.1.43, explained that since 2017 the suckler cow enterprise had increased by eight cows and the number of ewes lambing had increased by 100. However, Councillor Law queried if the increase since 2013/14 was known.

Mr Masiwa confirmed that the increase in numbers referred to was since the last appraisal was conducted by Kernon in 2017. The level of growth since 2013/14 was unclear. Mr Pearson added that when the Planning Inspector refused the application at appeal, this was based on May 2017 numbers and therefore this date, and the increase in numbers since that time, held relevance for the Committee.

Councillor Crumly queried if financial viability of the farm should be a consideration. Mr Pearson explained that the primary focus was on the essential need for the lodge alongside national and local policy considerations for dwellings in the countryside. Essential need was a key consideration for the Planning Inspector alongside the impact of the lodge on the AONB. The test of financial viability only applied to the viability of the business into the future.

Mr Pearson added that businesses should be encouraged to flourish in the form of sustainable development. This application presented a very specific set of considerations for the Committee to determine.

In response to Councillor Crumly's second question, Councillor Pask confirmed that he had been advised by Officers that the application would be referenced up to the District Planning Committee if it was approved as there were strategic issues to consider with the application.

### **Debate**

Councillor Bridgman referred back to the High Court judgement which highlighted the simple test of the NPPF on whether there was an essential need for a second rural worker to live on site. This assessment also had to have regard to Policy C5 of the Housing Site Allocations Development Plan Document (HSA DPD) which also had a number of tests for an application to pass for housing for rural workers. West Berkshire Council was a plan led authority.

Councillor Bridgman felt that the determination of essential need was a matter of judgement. The applicant had demonstrated why the lodge was required and that there was no suitable alternative. The size of the lodge was commensurate with its need.

Councillor Bridgman voiced concern that a summary point of the Kernon report, that the business would only be able to continue operating at current levels if the lodge accommodation was retained for the shepherdess, had not been taken on board by Officers. Councillor Bridgman therefore questioned whether economic viability should contribute to the essential need argument. What constituted essential need?

Councillor Law stated that this was a difficult determination. It had been accepted that the lodge caused no negative impact on the AONB. The consideration was on essential need. There was acceptance that a second worker was required, but was accommodation on site essential for them? The business could not buy another property in the immediate area.

While there might not a harmful impact in this particular local area, it went contrary to the NPPF and local policy if essential need could not be established, and therefore Members had to consider the impact on the wider district. This was why it needed to be determined by District Planning Committee if it was approved.

Councillor Law continued by stating that the potential to set a precedent was a concern, should the application be approved, with applications from other rural businesses.



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Approval contrary to policy should only be permitted if essential need and an exceptional case could be proven. Councillor Law queried if an exception could be made if the lodge served as accommodation for the shepherdess and not a more general rural worker. This would mean that if in future sheep were not kept on the farm then the lodge would no longer be needed.

Councillor Law stated that he would be supportive of the application if a condition of approval was for the lodge to be solely used by a shepherdess/shepherd.

Mr Pearson highlighted that consideration was needed as to whether such a condition was enforceable and reasonable. The Council did not have sufficient enforcement resource to enforce this and the Council only become aware that the lodge was currently occupied after being informed of this by a local resident.

Mr Pearson added that the main dwelling had been developed to accommodate the essential need and should be used for this purpose. He was not aware of any other cases where a second dwelling was also permitted on essential need grounds.

Councillor Webb explained that he called-in the application due to the high level of local support. He felt that conditions, should Members be minded to approve the application, should include the lodge retaining an agricultural tie to the farm; a restriction to it being a log cabin and not a brick structure; and the lodge being tied to animal husbandry.

Councillor Webb felt that essential need had been proven in accordance with Policy C5 of the HSA DPD. He felt there were sufficient reasons on which to approve planning permission contrary to Officers' recommendation. Councillor Webb therefore proposed approval of the application which would result in referencing the application up to the District Planning Committee.

The proposal was seconded by Councillor Metcalfe. He also commented on essential use from the viewpoint of a farmer. Councillor Metcalfe stated that sheep were difficult to keep and it was essential to have full time labour on site to manage them and provide for their welfare. The employment of two workers would also help to avoid lone working issues.

Councillor Metcalfe felt that the essential use case was fulfilled and so therefore was the exception from policy. He felt the application should be approved as it would benefit the local economy.

Mr Pearson commented that the level of support or objection to an application was not a material planning consideration.

Mr Pearson also commented that the Kernon report concluded that there was not an essential need for two on-site workers as the case had not been proven. He advised that the publication of the Kernon report had been delayed as Kernon went beyond their brief for the report and this was something that the Council had been discussing with them. Kernon had not been commissioned to comment on the affordability of living in the district, their brief was to only consider essential need.

Mr Pearson went on to describe instances where, for periods of time during the year, small caravans were located on farms in the district. The purpose had been for workers to be on site for a temporary period during the lambing season. These had no need for planning permission if they were removed at the end of the lambing period. The use of a caravan/mobile home was suggested in the Kernon report for this site to house the second worker during lambing. Mr Pearson concluded by questioning why this second dwelling was necessary when a permanent dwelling had already been provided to cover essential need for the shepherdess.

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Councillor Marigold Jaques noted that as approval of this application would result in the lodge becoming permanent, it could follow that it would be replaced by a more permanent structure in the future. Mr Pearson responded to this point. He confirmed that approval of the application would result in the lodge being retained with no time limit. However, in time, the lodge might need replacing and while a more permanent dwelling would need planning permission, it would be difficult to turn down.

Mr Pearson then suggested some potential conditions for Members' consideration:

- Occupation of the timber lodge to be restricted to a stock person employed by the farm (more specific than for an agricultural worker).
- Permitted development rights would be removed for any extensions and for further outbuildings for residential purposes.
- The lodge would remain linked to the main dwelling, it could not be let or sold separately.
- Consideration could also be given to a Section 106 legal agreement to enforce the requirements of planning permission rather than conditions.

Sharon Armour (Solicitor) commented that a S106 legal agreement might prove more enforceable than conditions. She explained that a S106 legal agreement could not be modified for a period of five years, whereas an application to amend conditions could be submitted immediately.

Councillor Law queried whether both a legal agreement and conditions could be imposed. Mr Pearson commented that this approach was not supported by case law.

Councillor Law then queried if the lodge accommodation could be restricted to the shepherdess/shepherd. The application could then be approved on this basis as an exceptional case for the district and would not set a precedent. Sharon Armour raised a difficulty of being clear which worker would reside in the lodge and the S106 would need to be clear on that. Councillor Bridgman suggested the wording provided by Mr Pearson be used, i.e. restricted to a stock person employed by the farm (more specific than for an agricultural worker).

On the basis of these points, Councillor Webb amended his proposal to approve planning permission in accordance with Policy C5 of the HSA DPD (housing related to rural workers) and subject to the signing of a S106 legal agreement. Paragraph 4.39 of Policy C5 stated that 'there may be cases where the nature and demands of the worker's role require them to live at or very close to the work place' and this was felt to provide the necessary justification for granting planning permission. Councillor Metcalfe agreed to this as seconder.

Councillor Crumly advised that he was supportive of Officers' recommendation and the dismissal of the application at appeal by the Planning Inspector was correct. There was not a need for a permanent dwelling for a second worker, the Inspector felt this was only needed for a time limited period. This view was supported by the Kernon report.

**RESOLVED that** the Head of Development and Planning be authorised to grant planning permission subject to the completion of a Section 106 legal agreement within \*\*\* months (to be confirmed). This would need to include the following points:

- Occupation of the timber lodge to be restricted to a stock person employed by the farm (more specific than for an agricultural worker).
- Permitted development rights would be removed for any extensions and for further outbuildings for residential purposes.

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- The lodge would remain linked to the main dwelling, it could not be let or sold separately.

Or, if the Section 106 legal agreement was not completed within the above timeframe, to delegate to the Head of Development and Planning to refuse planning permission for failure to secure the Heads of Terms of the S106 legal agreement.

This recommendation would be referenced up to the District Planning Committee for determination as there were strategic issues to consider with the application. The next District Planning Committee was scheduled for Wednesday 17 April 2019.

**57. Appeal Decisions relating to Eastern Area Planning**

Members noted the outcome of appeal decisions relating to the Eastern Area.

**58. Site Visits**

A date of 13 March 2019 at 9.30am was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 20 March 2019.

*(The meeting commenced at 6.30pm and closed at 8.26pm)*

**CHAIRMAN** .....

**Date of Signature** .....