

CARLISLE CITY COUNCIL**Report to:- Development Control Committee****Date of Meeting:- 2nd November 2001****Agenda Item No:-**

Public	Operational	Delegated: Yes
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Accompanying Comments and Statements

	Required	Included
Environmental Impact Statement:	No	No
Corporate Management Team Comments:	No	No
City Treasurers Comments:	No	No
City Solicitor & Secretary Comments:	No	No
Head of Personnel Services Comments:	No	No

Title:- UPDATE REPORT RE: PROPOSED AGRICULTURAL WORKERS DWELLING AT L/A FLD 9061, WOODGILL HOUSE, AINSTABLE, CARLISLE (APPN NO. 01/0657)

Report of:- Director of Environment and Development

Report reference:- EN.166/01

Summary:-A letter from the applicant was not picked up at the time that the application was presented at the last meeting of the Development Control Committee. This report has been prepared to allow Members to re-consider the proposal and whether to invite the applicant to submit a further application.

Recommendation:-There is sympathy with the applicant's personal circumstances however his rights have to be balanced against the protection of the countryside which are in the interests of the entire public. It is considered that there is no justification for making an exception to the policies of the adopted Development Plan and therefore no reason for the Committee to invite the applicant to submit a further application.

M Battersby

Director Environment and Development

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

**Report to the Chairman and Members of the
Development Control Committee**

EN.166/01

1. Introduction

- 1.1 At the meeting held on the 21st September 2001 Members considered an outline application for the erection of a dwelling for an agricultural worker at part field 9061, Woodgill House, Ainstable.
- 1.2 Members will recollect that the applicant's (Mr Stainton) agricultural holding extends in total to 248 hectares of which: 16 hectares is owner-occupied adjoining Woodgill House, Ainstable; 226 hectares is held in a secure tenancy at The Garth, Croglin; and, 6 hectares lies adjacent to Woodgill House which is usually taken on a seasonal grazing basis. Mr & Mrs Stainton both work full time on the holding and reside in the farmhouse at The Garth, Croglin. There are neither farm buildings nor a dwelling on the 16 hectares adjoining Woodgill House.
- 1.3 Mr Stainton advised the County Land Agent that he was not in the best of health and it was therefore proposed that one of his son's who currently work in a local joinery business should return to work on the farm. He therefore needed a dwelling to house his son. The report identified that the application was also accompanied by a letter from the applicant explaining that the field in which he requests planning permission is an area of land owned by himself which is not the case with regard to The Garth, Croglin. It is intended that the bungalow would be occupied by Mr Stainton's son, and his future wife.
- 1.4 In considering the application the following points were highlighted:
 - a) The development plan comprises the Cumbria and Lake District Joint Structure Plan (SP) and the Carlisle District Local Plan (CDLP). SP Policy 40 and CDLP Policy H6 establish that within the open countryside, including within a designated County Landscape, permission should not be given for dwellings except where applications are supported by a proven agricultural need.
 - b) Paragraph 2.14 and 3.21 of PPG7 emphasises that the countryside should be safeguarded for its own sake and just because a single house on a particular site would be unobtrusive it is not by itself a good argument; it could be repeated too often.

- c) The County Land Agent has concluded that there is an established functional need for a worker to be resident on The Garth, Croglin. The existing accommodation, however, meets that requirement. The 16 hectares adjoining Woodgill House, as a separate unit, does not have a labour requirement for one full time worker, nor is it financially viable.
- d) SP Policy 12 and CDLP Policy E4 make it clear that development which is detrimental to the distinctive character of a designated County Landscape will not normally be permitted. The field rises away from the road with the only screening provided by the existing stone wall and sycamore trees. In such a location the proposed dwelling would appear isolated and thus make it look incongruous.

1.5 In line with the recommendation of the report, Members resolved to refuse permission for the following reason:

“The site of the proposed development, for which no special agricultural need has been demonstrated, is located within open countryside designated a landscape of County Importance. In this location the proposed dwelling would be unduly conspicuous, representing an isolated form of development, to the detriment of the rural character of the area. It would thus seriously detract from the objectives of Policies 12 and 40 of the Cumbria and Lake District Joint Structure Plan and Policies E4 and H 6 of the Carlisle District Local Plan”.

- 1.6 Following the issuing of the decision notice it nonetheless became apparent that the applicant had submitted a second letter after the report had been printed which was not subsequently picked up at the time of the Meeting. The aforementioned letter asked for consideration of the application to be deferred to allow additional information to be presented with particular regard to his health.
- 1.7 This report has therefore been prepared in order to allow Mr Stainton to submit the additional information and for Members to re-consider the proposal.

- 1.8 No additional information has been received at the time of writing the report. This aside, Members should be aware that Ministerial advice contained in paragraph 12 of PPG7 emphasises that in making any decision on proposed agricultural workers dwellings any assessment should be on the needs of the farm enterprise concerned and not on the personal preference or circumstances of any of the individuals involved.
- 1.9 The applicant's human rights have to be balanced against the protection of the countryside which is in the interests of the entire public.
- 2.0 **Conclusion**
- 2.1 The applicant's rights are respected and there is sympathy with his personal circumstances. There does not, however, appear to be a justification for making an exception to the policies of the adopted Development Plan. A further report will be made to Members following receipt of the additional information.
- 3.0 **Recommendation**
- 3.1 That the Members uphold the decision to refuse permission and do not invite the applicant to submit a further application.

M Battersby
Director Environment and Development

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