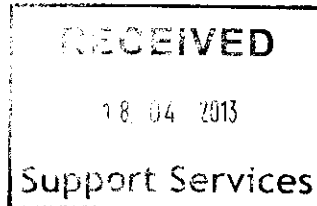


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5 April 2013

13/000194

Full planning application for a farm with one dwelling for an agricultural worker

Applicant: Sue Buckley

Site: Old Timbers Farm, Mucking Hall Road, Barling Magna SS3 ONP

Dear Sirs,

I am pleased to enclose, in support of the application submitted on line, four copies plans and supporting documents.

I look forward to hearing from you.

yours faithfully,

A handwritten signature in black ink, appearing to read "Anthony Biebuyck".

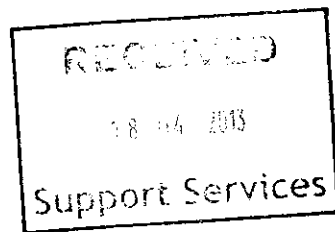
Anthony Biebuyck M.A. M.Sc.

Designated Partner, Neighbours LLP

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13/000194

Full planning application for a farm with one dwelling for an agricultural worker

Applicant: Sue Buckley

Old Timbers Farm, Mucking Hall Road, Barling Magna SS3 0NP

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Location and site plans

Appendix.

- 1. Labour requirements**
- 2. Pig and goat enterprise costs and profits**
- 3. Flood Risk Assessment, Environment Agency advice and maps**
- 4. Business appraisal**

13/000194

Full planning application for a farm with one dwelling for an agricultural worker

Applicant: Sue Buckley

Old Timbers Farm, Mucking Hall Road, Barling Magna SS3 0NP

Addendum

1. Contaminated land

Councillor Steptoe specifically raised this question at the meeting with members on 18 March. Attached is an email thread with Essex County Council, asking for information on the landfill site closed in 1974, shown on the landfill map in the Appendix. Essex County Council advice is that the County Council have no record and advising information from the Environmental Agency. This application is delayed awaiting a reply to our request, still not received, as to the residual risk of contamination. It is probably negligible after forty years. The information will be given as soon as received.

2. Off site accommodation.

Whirledge and Nott advice is that an on site dwelling is essential for animal welfare and security in this remote location. The Applicants' have a house, their former home, in Eastwood, too remote to be used in connection with the farm, rented on a long lease since purchase of the farm in June 2011. The Applicants have researched the local rental and sale market carefully. Very little is available in or near Barling and what has been, is beyond their financial means, as well as not satisfying the requirement for an on site twenty four hour presence.

From: Tim Simpson Technician <Tim.Simpson2@essex.gov.uk>
Subject: **RE: Historic landfill details EAHL31137**
Date: 8 January 2013 11:50:35 GMT
To: anthony biebuyck <abiebuyck@gmail.com>
Cc: dave <daveandjulia@ashadeofgreen.co.uk>

Tony,

While it is likely that the risk of contamination will have reduce over the last 40 years, given the nature of the development, I would suggest contacting the Environment Agency for advice before going ahead.

Kind regards

Tim

Kind regards

Tim Simpson

Telephone: 01245 437031| extension: 51031

From: anthony biebuyck [<mailto:abiebuyck@gmail.com>]
Sent: 07 January 2013 20:39
To: Tim Simpson Technician
Cc: dave
Subject: Re: Historic landfill details EAHL31137

Thank you Tim; that is fine.

Any residual risk from contamination, for example on flooding, must be vanishingly small - correct?

Tony

On 7 Jan 2013, at 15:00, Tim Simpson Technician wrote:

Dear Mr Biebuyck,

We have no record of granting permission at this site and therefore our information is limited. However, our records also suggest that there was a site in this location although that information is based on Environment agency data rather than our own. The data available suggests that the site many have been used for the disposal of Liquid Sludge and as you say in your email the site was pre 1974.

I have contacted colleagues from waste management team at Southend on Sea Borough Council and from our own waste and recycling team to see if they have any additional data. If I hear more form them I will let you know.

Kind regards

Tim

Tim Simpson

Telephone: 01245 437031| extension: 51031

From: anthony biebuyck [<mailto:abiebuyck@gmail.com>]
Sent: 21 December 2012 13:52
To: Tim Simpson Technician
Cc: dave
Subject: Historic landfill details EAHL31137

Dear Mr Simpson,

I act as planning agent in respect of property at Barling Magna within Rochford District Council area.

I am informed by the Environment Agency that the property lies on a historic landfill site with the above reference, at TQ592200 190200, operated by Southend Corporation and closed before 1974.

Southend have advised me that you hold the relevant records.

Could you please advise the residual contamination risk for the purposes of a planning application for agricultural use with 2 dwellings?

yours sincerely,

Anthony Biebuyck M.A, M.Sc
Designated Partner Neighbours LLP
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PP-02559033

13/000194

Full planning application for a farm with one dwelling for an agricultural worker

Applicant: Sue Buckley

Site: Old Timbers Farm, Mucking Hall Road, Barling Magna SS3 0NP

A. Pre-application advice

12/00021 20 July 2012

12/00079 12 March 2013.

B. Planning history

07/01127/FUL. Construction of 12 stables, tack room, store, foaling bay and workshop. Refused.

08/0071/FUL. Construct 6 stables. Refused.

11/00716. Enforcement notice

C. Summary

Valuable advice informs this application, from District Council officers, members and Whirledge and Nott, to whom we express our thanks.

Pre- application advice requires compliance with twenty four local policies, three Supplementary Planning Documents and eight sections of the National Planning Policy Framework. For ease of reference, parts of these policies are set out below in Section E. This application complies with these policies, as detailed below.

The enterprise fulfils the financial and functional tests for an agricultural worker's dwelling, required for the twenty four hour welfare and security

of the pigs and goats. Section F sets out the financial and functional case for an agricultural worker's dwelling and the financial viability of the pig and goat enterprise over the first three years. A skilled stockman on site day and night is essential to monitor the animals, ensure animal welfare and security and avoid high levels of mortality.

Other activities, outlined below and in the appendices, support the need for security and the profitability of the whole enterprise as well as benefiting biodiversity, environmental management and wild life habitat improvement.

Appendix 1 shows labour requirements at 278 standard man days per year, slightly over the standard 275 man days equivalent to one full time agricultural worker.

Appendix 2 shows the costings and profits for pigs and goats over three years, showing a first year profit of £17,310, second year of £29,035 and third year of £42,790.

Appendix 3 includes correspondence with the Environment Agency confirming the low flood risk, reduced by defences although the map zoning is Zone 3, and the EA historic record that confirms the farm site has never flooded, not even in 1953.

Appendix 4 includes a business appraisal from an experienced small holder and the Essex Bees hive scheme.

The enterprise is financially viable in year two, with annual profit of £25,000, to provide a workers wages of £13,000 and £12,000 to provide for the construction of a dwelling, is achieved in year two.

D. Overview.

Old Timbers Farm is owned by Sue Buckley, a life time dream made possible by a family inheritance. The shop in Eastwood is managed by Sue's husband, Dave. Daughter Julia with her partner Tom Spearman live on and run the farm.

Current business is limited to sale of eggs from the flock of chickens, ducks and geese, at the shop, A Shade of Green, in Eastwood, run by Dave Buckley. The security of planning permission will allow investment and full implementation of the business plan. The farm buildings, constructed for stables and storage, suit current use, listed from furthest from the entrance:

1. Animal welfare and rest space
2. Animal feed store
3. Geese pairs
4. Goat shed
5. Hay barn
6. Chicken shed
7. Pig shed
8. Plant and machinery store

A house for the expanded pig and goat herds will be subject of a separate planning application. Additional land is available on adjacent fields to bring the area of the farm up from 2 hectares to 3.6 hectares. Since the animal care regime is based on an indoor shelter regime, the amount of land has limited effect on profit.

Extensive correspondence with and advice from the Environmental Agency, as attached, confirms that flood risk is low, because of the local defences, though the area is mapped as Zone 3.

Old Timbers Farm is founded on a life time vision of rural husbandry that is not only organic, but:

- enhances and nurtures the natural environment,
- sensitive to the needs of farm and wild animals, crops and plants,
- in ways that promote a sustainable and diverse local ecology – 'healthy, humane and sustainable food, farming and land use' in the words of the Soil Association.

Old Timbers Farm has the good fortune to have a Site of Special Scientific Interest, along the boundary with the River Roach, and to lie within a Special Area of Conservation. The wooden farm buildings have low environmental and visual impact and provide shelter for owls, bats and other species. The farm lies near the award winning Barling Magna Wild Life Reserve, creating opportunities for an extended local ecology for wild life. With the River Roach along the northern boundary, and open marshland and pasture to the east and south, it forms part of a wider wild countryside, extending to the Wallasea Island Wild Coast project, converting bland arable monoculture to a variety of wildlife habitats. On a much smaller scale, Old Timbers Farm provides enhanced biodiversity and wildlife habitats through positive ecological land management principles.

Since registration with DEFRA in June 2011, Old Timbers Farm is contributing to an enhanced local ecology and the Barling Magna community with:

- rare breeds of poultry,
- rescue battery hens, at risk from changes in the law,
- sympathetic field maintenance to encourage voles and other prey for wild predators,
- planting of willows to vary and enhance the habitat for wild life, in contrast to the predominant grassland and
- worm husbandry, that recycles agricultural waste,
- bee hives to protect the threatened British Black Bee, to pollinate and enhance the fertility of local flora, and plans to plant fruit trees to further enhance the insect and bird habitat.

All of these contribute, not only to eco agriculture, but also to a viable, growing, financial business model. We will grow at a conservative, cautious and realistic pace in the light of available resources, market opportunities, continuing conservation advice and, above all, the needs of

the local environment and community. Planting of fruit trees will support bees, butterflies and other wild life, diversify the habitat and produce fruit for sale in our shop, along with our own vegetables.

We are strongly aware of the need to maintain the visual amenity of the Green Belt, of which Rochford is rightly proud as a regional resource. There will be no significant new building, other than the animal housing recently advised. Walkers and horse riders, as well as our neighbours, share our access, a private and largely unmade road. There will be no significant increase in traffic frequency or intensity. Since we must live on the premises to give twenty four hour care to the animals, deliveries to and from the farm will combine with domestic travel, school and shopping. Our shop in Eastwood, 'A Shade of Green', will remain our major retail outlet. Our customers are local – worms to the reptile shop next door to our shop, willow spikes to Leigh, eggs to Little Wakering and Westcliff, the Great Wakering Farmers market, are examples.

We have consulted widely:

- Rochford District Council,
- Whirledge and Nott,
- Natural England,
- Essex Wildlife Trust,
- Hawk and Owl Trust,
- Bat Conservation Trust,
- Diversitec (agriculture diversification specialists),
- British Hen Welfare Trust
- National Trust
- Soil Association

and will take further advice as necessary.

Our family life reflects self sufficiency and care for our environment. Ducks, geese, chickens, pigs, goats, together with vegetables, are nurtured to provide both a business return and food for our family. We foster the natural food chain: birds and bats feed on the insects attracted by our horses; field mice and voles provide food for larger predators, including owls.

The current daily routine.

The animals cannot be left for more than 1½ hrs because the baby chickens, goslings and ducks must be fed in that time.

The day starts with 1½ hours spent feeding, watering and cleaning the pigs and their bedding. Despite their reputation, pigs are fastidious and refuse to sleep or lie on dirty bedding..

The rare breed chickens are valuable and vulnerable to theft, as well as predators. They must be watched constantly. Feeding the poultry takes 1½ hours.

The goats must be mucked out every day, which takes another hour. They provide milk for our family. The proposed animal house will allow large numbers of pigs and goats, as set out below.

We attend a local auction every Saturday, to both buy and sell.

The only farm animals that require minimal work are the worms! They quietly recycle waste before sale to the reptile shop.

We have planted willows that have a ready market for making trellis screens. A commercial manufacturer in Leigh will take all we can supply. The willows also provide a wild life habitat. We have planted teasels, following advice that they encourage linnet.

Environmental law and eco farming.

The Metropolitan Green Belt originated in the 1940's, creating a ring of protected countryside to contain the expansion of urban areas, especially London. Outside the settlement areas of Rochford, Hockley, Rayleigh and the villages, the whole district is Green Belt. No development is allowed in the Green Belt, except for appropriate countryside uses or in very special circumstances, where material considerations apply.

Development that is considered appropriate in the Green Belt includes agriculture. Old Timbers Farm and our plans for eco farming, are appropriate development. A worker's dwelling is critical to animal welfare, security and financial viability and should be supported by Rochford District Council with the grant of planning permission.

Sites of Special Scientific Interest

The northern border of our farm, along the sea wall and the River Roach, is a Site of Special Scientific Interest, a conservation designation denoting a protected area under the Wildlife and Countryside Act, 1981. It is important to note that the law requires protection not only from development but also from neglect. Our positive land management will prevent neglect. SSSIs are the very best of our country's wildlife habitats. The SSSI extends along the Crouch and Roach estuaries, from the Dengie to Foulness. The intertidal zone and salt marshes support internationally important numbers of bird species, aquatic and terrestrial invertebrates and scarce plants. Biodiversity management should encompass not only individual species but ecosystems, economic viability and human use. Old Timbers Farm contributes to these statutory objectives.

Rochford District Council is required by law to have policies in the Development Plan to protect SSSIs in their area. Consultation with conservation bodies is required for activity in an SSSI. As listed above, we have consulted extensively with statutory and other conservation bodies, including Natural England and Rochford District Council, to ensure that what we do is sympathetic to and enhances the SSSI on the sea wall, as responsible stewards of our land. The SSSI is about 100 metres from the farm buildings, and so there is no direct impact from activities there.

Special Areas of Conservation

These are SSSIs of international importance, strictly protected under the EC Habitats Directive. These are high quality conservation sites that make a significant contribution to conserving the species and habitat types most in need of protection, and must be positively managed in accordance with policy. The Essex Estuaries SAC extends from Clacton to Southend – the estuaries of the Colne, Blackwater, Crouch and Roach rivers. Old Timbers Farm lies within the SAC boundaries. Consultation has confirmed that our land management is sympathetic to and enhances the SAC.

Protected Species

As well as the extensive list of birds, animals, invertebrates and plants protected under the SSSI and SAC designations, there is specific protection given to the owls and bats that live in and around Old Timbers Farm, feeding on the insects and small mammals our land management encourages and roosting in our buildings.

Owls

Natural England, the Hawk and Owl Trust and the Royal Society for the Protection of Birds are all involved in protection of owls. All wild birds are protected by the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act, 2000. The degree of protection varies by species as listed in the Schedules to the Acts and licences issued under the law. It is an offence to disturb the nest or nesting of a wild bird, punishable by a £5,000 fine or 6 months imprisonment per bird, nest or egg. Schedule 1 gives a right of arrest by police. Schedule 1 protection includes the Snowy and Barn Owls, both of which hunt or roost on our land. Owls prefer rough grassland that is not mowed or grazed intensively, making it too short for their main prey, the field vole. Grass must be left a minimum of 20 cms in length and the litter cover beneath the grass conserved to shelter the field vole. We have taken advice that confirms our land management is appropriate in supporting this habitat.

Bats.

Natural England, the Institute of Ecology and Environmental Management and the Bats Conservation Trust are the relevant bodies we have consulted. Bats are an European Protected Species and licences are required for any activity that may disturbed them or their habitat. There is a local Essex Bat Group, with which we are in touch. Pipistrelle bats feed on our land and roost in our buildings. At least 30 frequent the farm and buildings. We have informed Rochford District Council, as we are obliged to do by law.

Our Market.

We have customers waiting; demand currently exceeds our ability to supply, as our reputation spreads by word of mouth, based on a life time of living locally, customers in our shop and participation in the local

community. We have a website for the shop and will create one for the farm.

Competitors.

There are no other local producers registered with the Soil Association. To the best of our knowledge, we have little or no local competition. This is confirmed by the ease with which we have established a network of customers, without marketing. Interest exceeds our capacity to supply. We are confident that we can build on this base, to the extent that is realistic given the constraints of the site, the locality and our ambitions to stay strictly within the needs of the local ecology

E. Policy.

E.1. Rochford District Replacement Local Plan 2006

DESIGN AND LAYOUT

2.23 Urban design is about the creation of places that work for people. It involves a broad range of issues from community safety, movement and connections to urban form, and is the key to producing places with a distinctive character that matter to people. PPG1 recognises that the appearance and character of a development is a material consideration and particular attention should be focused on the setting of buildings and the treatment of spaces between and around them.

2.24 Much has been written about urban design issues since the publication in 1999 of the report of the urban task force "Towards an Urban Renaissance", and the Government has formed the Commission for Architecture and the Built Environment (CABE) whose remit is to improve people's lives through the provision of better buildings, spaces and places. A list of relevant documents and links to key organisations is provided at the end of this chapter.

2.25 National guidance may set the scene for the promotion of good urban design, but in Rochford it is important to understand the local context if new housing development is to be of both high quality and appropriate to the area. Traditional Essex towns and villages exhibit a distinctive character particularly within the texture of historic settlements such as Rayleigh and Rochford. The Essex Design Guide provides a detailed explanation of the key elements that contribute to the character of historic settlements.

2.26 Some new sites within existing urban areas may take their cue for design from the strong pattern and character of existing surrounding development. On the other hand, where surrounding development does not provide a traditional context, it will be important to develop designs and layouts that reflect the principles of design within an Essex context.

2.27 A primary objective of this plan is to promote good, high quality design in new housing. To this end, the LPA has adopted the Essex Design Guide as supplementary planning guidance and will adopt it as a

supplementary planning document and considers that this provides the starting point for any developer considering a new housing scheme. In addition, the LPA has a series of local design policies, which must also be taken into account. LPSPD2 – Housing Design and Layout and LPSPD5 – Vehicle Parking Standards, together with the Essex Design Guide and other policies in this local plan provide then the context for developers.

POLICY HP6 – DESIGN AND LAYOUT

The Local Planning Authority will expect new housing schemes and alterations/extensions to existing housing to be to a high standard of layout and design, taking into account the following key issues:

- i. Accessibility
- ii. Boundary treatment
- iii. Car parking
- iv. Density
- v. Gardens, play space and other shared space
- vi. Impact on designated sites, Conservation Areas and listed buildings
- vii. Landscaping
- viii. Overlooking, privacy and visual amenity
- ix. Relationship to existing and nearby buildings
- x. Scale and form

Detailed advice on these issues is included in LPSPD2 – Housing Design and Layout, LPSPD5 – Vehicle Parking Standards and the Essex Design Guide for Residential and Mixed Use Areas.

Application of HP6 to Old Timbers Farm

The existing buildings, consisting of a dwelling with livestock housing and storage, are low visual impact, timber clad, single storey, of consistent appearance, forming a single group, with hard standing to protect access. The dark weatherboarded surfaces are typical of historic Essex rural buildings. The layout is convenient, allowing access across hard standing at the front from the entrance and driveway giving access to the site and between the buildings, from the dwelling to the livestock housing and storage. On the western side of the group of buildings, trees planted by the Applicants create a visual barrier, protecting privacy and the visual amenity from the right of way, some 100 metres distant. The group of buildings is only significantly visible from the north, from the sea wall. Proposed planting of trees – willows and fruit – will conceal the buildings from the sea wall and enhance the flat, featureless, grassland of the estuary, encouraging biodiversity by varying habitat, including pollen for bees and roosting for birds. The SSSI, against the sea wall, on the northern part of the wider site, some 100 metres distant from the group of buildings, is an important feature that this proposal will protect and enhance by positive management, consistent with national and local estuary management policies.

The buildings remain exactly as built before the Applicants bought Old Timbers Farm. No new building was proposed, until recent advice from the agricultural consultant, appointed for this application, that an agricultural livestock building is required. This is subject to a separate planning application. The new building will alter the visual balance of the group and

requires careful consideration of design and location, as well as function.

From the layout as it was on purchase, the Applicants have worked to create a compact and visually harmonious whole, enhanced by current and proposed planting. Trees form boundaries of the group of buildings. New planting will add variety within the site. The hard standing gives all weather access to the farm buildings and a wide parking area for vehicles, direct from the site access. There are no buildings nearby, so there are no issues of privacy or impact. A grassed area at the front provides play space, with a trampoline, for the children.

The design of the site, as it has emerged, is consistent with local, county and national design policies.

CRIME PREVENTION

2.40 There is concern about crime in residential areas, particularly domestic burglaries, and for many years the planning system has focused attention on identifying ways in which new housing estates can be designed to minimize the potential for crime. (Note: design and layout to minimize crime is equally important in employment sites).

2.41 A series of initiatives by amongst others the Crime Prevention Officers Conference, are designed to persuade the building industry to pay closer attention to crime prevention issues.

2.42 The Local Planning Authority plays an important part in these initiatives by considering crime prevention issues as part of the development control process. All applications for new dwellings will be assessed against the guidelines included in LPSPD2.

POLICY HP10 – CRIME PREVENTION

All new development schemes will be expected to reflect the crime prevention guidelines on design and layout included in LPSPD2. In addition, the Local Planning Authority will consult the Police and other relevant specialist groups for advice and guidance on appropriate crime prevention measures within new development schemes.

Application of HP10 to Old Timbers Farm

Crime and security are key issues in this application, since valuable stock and equipment, as well as domestic property, are vulnerable to theft and vandalism in this remote location. The layout of the site mitigates this, with the entrances to the livestock housing and storage visible from the front door of the dwelling, which is at right angles to the group of buildings, and stands between the buildings and the site access. The twenty four hour presence of an agricultural worker is crucial to crime prevention, as well as immediate intervention when animal predators and animal welfare require.

AGRICULTURAL AND FORESTRY DWELLINGS

3.9 Government guidance allows for the provision of new dwellings in cases where the existence of on-site accommodation is crucial to the success of an agricultural or forestry business. Whilst Policy R3 is primarily aimed at these types of business, it is recognised that there may be other rural businesses where a similar case for onsite accommodation can be demonstrated, e.g. in respect of certain equestrian enterprises. Such proposals should also be considered having regard to this policy.

3.10 The policy follows the 'functional' and 'financial' tests described in Annex I of PPG7 (The Countryside: Environmental Quality and Economic and Social Development), and seeks to establish whether there is a functional need for someone to live on the site, whether the enterprise is, or will become financially viable, and whether such viability is likely to be sustainable in the long term.

3.11 To enable the proper consideration of these matters, applications should be accompanied by full business plans and/or appraisals carried out by suitably qualified people (e.g. agricultural consultants) and, in respect of applications for dwelling houses, fully audited accounts for the three years preceding the application.

Applicants will be expected to be able to demonstrate that the enterprise provides sufficient income for investment in the business (e.g. money for buildings, machinery, livestock, etc.) in line with the business plan, in addition to income for the construction of the house, personal / family and other needs.

3.12 Before permission can be granted for a permanent dwelling house, it is crucial for an applicant to demonstrate that his business is economically viable, and has every prospect of remaining so in the longer term. Thus, in the case of a new business, an application should first be made for the siting of a mobile home, or another type of temporary accommodation. If a proposal meets the criteria set out below, permission for a mobile home will usually be granted for a period of three years to give the applicant sufficient time to establish his business, and so meet these objectives. Assuming the business is successful, consideration can then be given to the provision of a permanent dwelling house. Permission for the siting of a mobile home will not, however, be granted for a period exceeding three years, nor will permissions normally be renewed if, at the end of the temporary period, the business is still not viable.

3.13 Careful consideration should be given to the siting of new dwellings to ensure that they meet the identified functional need, but are also well-related to existing buildings. Such consideration should also extend to the siting of mobile homes, as it will not normally be appropriate to grant permission for a mobile home in a location where a permanent dwelling would not be permitted. Planting schemes will be required to further reduce the visual impact of dwellings in the landscape.

3.14 PPS7, paragraph 9 provides advice regarding the size of dwellings, stating that these should be, 'of a size commensurate with the established functional requirement.' The guidance goes on to add that it is the

requirement of the enterprise, and not the owner or occupier, that is relevant to determining the size of a dwelling that is appropriate to a particular holding.

3.15 In practice, however, it has proved difficult to arrive at an appropriate size of dwelling with applicants on the basis of this rather loosely worded guidance. Therefore, to avoid ambiguity, and provide a policy that is reasonable and can be consistently applied, the policy below requires that new farm dwellings should not exceed a gross habitable floor space of 140 sq.m., unless it can be demonstrated that the functional need of the holding truly requires a larger property.

3.16 It is considered reasonable to permit farmhouses to be extended by the same amount as other dwellings in the countryside (see Policy R5). New farm dwellings may, therefore, be designed with a total habitable floor space of 175 sq.m. (140 sq.m + 35 sq.m). In such cases, it will be necessary to impose a planning condition withdrawing permitted development rights.

3.17 Further extensions expressly required to serve the agricultural use being carried out on the holding (e.g. wash rooms, drying rooms, farm offices) will be considered on their individual merits.

3.18 Planning conditions will be imposed to limit the occupation of all new dwellings to persons employed, or last employed, in agriculture in the locality. This will ensure that dwellings are kept available to meet the needs of other agricultural businesses in the area as a whole if, for whatever reason, a dwelling is no longer required to meet the needs of the original business. The combination of agricultural occupancy conditions with a policy criterion restricting the scale of agricultural dwellings to modest proportions will help to maintain a supply of housing that is available (and affordable) to agricultural workers, thus avoiding a proliferation of new houses in the open countryside. Applications for the removal of agricultural occupancy conditions will not, therefore, be permitted except in the most exceptional circumstances.

POLICY R3 – AGRICULTURAL & FORESTRY DWELLINGS

Within the Green Belt planning permission will be granted for permanent dwellings for agricultural and forestry workers provided that:-

- i. it is essential for the proper functioning of the enterprise for at least one person to be present on the holding at most times of the day and night;
- ii. the functional need relates to a full-time agricultural / horticultural worker;
- iii. the unit and the agricultural enterprise in question, have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have every prospect of remaining so in the long term;
- iv. the functional need could not be fulfilled by another dwelling on the unit, or any other accommodation in the area as a whole that is suitable for, and available to, the worker(s) concerned;
- v. no dwelling or other building suitable for conversion to a dwelling has

recently been sold or let by the applicant that would have otherwise met the functional need; and

vi. the size of the dwelling is commensurate with the established functional requirement of the unit. (Dwellings will normally be expected to be bungalows or chalets and should not, in any case, accommodate in excess of 140 sq.m of habitable floor space. If the applicant wishes the dwelling to incorporate the 35 sq.m of additional floor space allowed for under Policy R5 from the outset, the Local Planning Authority will impose a planning condition withdrawing permitted development rights to further extend the floor space of the dwelling).

Permissions for new farm dwellings will be subject to conditions, *inter alia*, to restrict their occupation to persons solely or mainly employed, or last employed, in agriculture in the locality and remove permitted development rights in order to control their scale and appearance.

POLICY R4 – TEMPORARY AGRICULTURAL DWELLINGS

Within the Green Belt planning permission will be granted for the stationing of mobile homes for agricultural workers provided that:-

- i. it is essential for the proper functioning of the enterprise for at least one person to be present on the holding at most times of the day and night;
- ii. the functional need relates to a full-time agricultural / horticultural worker;
- iii. there is clear evidence of a firm intention and ability to develop the enterprise concerned;
- iv. there is clear evidence that the proposed enterprise has been planned on a sound financial basis;
- v. no dwelling or other building suitable for conversion to a dwelling has recently been sold or let by the applicant that would have otherwise met the functional need; and
- vi. the functional need could not be fulfilled by another dwelling on the unit, or any other accommodation in the area as a whole that is suitable for, and available to, the worker(s) concerned.

Permissions for mobile homes will be subject to conditions, *inter alia*, to restrict their occupation to persons solely or mainly employed, or last employed, in agriculture in the locality and require their removal from the holding after a maximum period of three years.

Application of Policies R3 and R4 to Old Timbers Farm.

In this case, a dwelling for a full time agricultural workers is 'essential for the proper functioning of the enterprise' to ensure sufficient cover 'on the holding at most times of the day and night' (R3 para i). The business plan, based on professional advice, fulfills the functional and financial requirements for a dwelling. This is especially true for emergencies at night, including storms, vandalism, theft and attacks by wild carnivores. The daily routine of work and unpredictable requirements are such that the functional need could not be fulfilled off site (para iv). The dwelling is less than 140 square metres and commensurate with the functional requirement (para vi). Current and proposed planting mitigates the visual impact of the dwellings and enhances the landscape and biodiversity.

It is accepted that, since this is a new business, that a temporary permission is appropriate in the first instance (para 3.12).

AGRICULTURAL BUILDINGS

3.37 Whilst government guidance indicates that the construction of new agricultural buildings is not inappropriate, in principle, within the Green Belt, such guidance also indicates that buildings should not significantly reduce openness, and should be of a design and scale appropriate to their rural surroundings. This advice is echoed by Structure Plan Policy C2 and, in turn, by the final paragraph of Policy R1, set out above.

3.38 The Town and Country Planning (General Permitted Development) Order 1995 allows many new farm buildings to be built without the necessity of full planning permission. However, in such cases, the Local Planning Authority is still required to determine whether its prior approval is required for the siting, design and external appearance of the building and, if such approval is considered necessary, whether the details provided are acceptable.

3.39 The advent of mechanised agriculture twinned with the need to handle bulk produce has led to vast changes in the design and scale of agricultural buildings. Whereas 'traditional' timber and brick buildings were of attractive design and human scale, modern buildings are generally of utilitarian, quasi-industrial appearance and good design is required to assimilate them into the district's flat rural landscape. It is, therefore, crucial that careful consideration is given to the issue of scale and to matters of design and siting to ensure that the visual impact of such buildings is minimised. Whilst it is common practice to group buildings together in order to reduce their visual impact, attention should be paid to the appearance and character of the existing buildings. If the existing buildings are attractive, traditional buildings of timber or brick, it may not be appropriate to site a large, steel-clad building next to them. This could appear discordant, and detract from the character of the existing group. Detailed advice on matters of design and siting is provided in Annex D of PPG7.

3.40 In addition to considering proposals for new agricultural buildings, or extensions to existing buildings, in the light of Policy R1, such applications will be considered having regard to the following policy:

POLICY R8 - NEW AGRICULTURAL BUILDINGS

Where planning permission is required, the Local Planning Authority will be mindful of the operational requirements of new agricultural buildings, but will refuse buildings which are of a design, external appearance and siting that:-

- i. Has an adverse visual impact in the landscape or on features of nature conservation interest; and,
- ii. Fails to respect the character and appearance of nearby buildings.

THE RE-USE AND ADAPTATION OF EXISTING RURAL BUILDINGS

3.41 A large number of buildings in the rural landscape are currently unused. Many were built for the purposes of agriculture, but are incompatible with modern day farming methods. Others originally served as telephone exchanges, pumping stations, etc. Many of these buildings are of substantial and sound construction and could be reused without major alteration or rebuilding.

3.42 The Government is keen to promote the diversification of the rural economy in order to provide employment opportunities for local people and sustain rural communities. Putting empty rural buildings back to beneficial use is key to this policy.

3.43 PPG7 states that preference should be given to the re-use of buildings for business purposes. In addition to assisting rural enterprise, such uses can also provide a source of employment close to home, thus reducing the travel to work distance for those living in the more remote settlements. It should be made clear, however, that proposals that rely upon the use of adjoining land (e.g. builders yards, haulage depots, etc.) will not be permitted.

3.44 Government guidance is less positive towards residential conversions since these do not bring the economic benefits associated with business re-use, and can result in a dispersed pattern of settlement, which increases both the need to travel and car dependency. Moreover, the domestic paraphernalia associated with dwellings can affect the character and openness of the surrounding countryside. Experience has also shown that to bring them up to habitable standards, buildings often need to be considerably altered (e.g. by the insertion of additional windows, internal partitions, etc.) which can destroy their character and integrity. This is clearly unacceptable in the case of listed buildings.

3.45 Policy R9 takes all of these factors into account. Applications for retail use should additionally be considered against Policy R10.

FARM DIVERSIFICATION

3.46 To help the farming industry become more competitive, diverse and robust, PPG7 promotes the diversification of farming enterprises. Examples cited include farm based food processing and packing and the hiring or repairing of farm machinery. Whilst the guidance makes it clear that proposals should ideally make use of existing buildings, it does note that new buildings (either to replace existing buildings or to accommodate the expansion of enterprises) or, indeed, extensions to existing buildings, may be acceptable in certain circumstances. Applications will be determined in accordance with the following policy:

POLICY R9 – THE RE-USE AND ADAPTATION OF EXISTING RURAL BUILDINGS & FARM DIVERSIFICATION

Within the Metropolitan Green Belt, the re-use of farm and other existing buildings in rural diversification schemes will be permitted, provided that the proposed use would complement the operations on the site. The re-

use and adaptation of farm

and other existing rural buildings will be permitted, provided that:

- i. the proposal relates to a building with a form, bulk and general design in keeping with its surroundings;
- ii. the proposal relates to a building of permanent and substantial construction, that is capable of conversion to the proposed use without major or complete reconstruction;
- iii. the proposal involves no major extensions which would materially affect the openness of the green belt;
- iv. the proposal involves no extension to the building, nor would any such extension be necessary in order to carry out the proposed use;
- v. the proposed use of the building and associated land would not have a materially greater impact than the permitted / lawful use on the openness of the Green Belt or the fulfilment of its purposes;
- vi. the proposed use would not introduce additional activity or traffic movements likely to materially and adversely affect the character of the Green Belt or place unacceptable pressures on the surrounding rural road network;
- vii. in the case of a change to residential use, the applicant has first made every reasonable attempt to secure a suitable business re-use during the two years prior to the application; and
- viii. there is no detriment to nature conservation interests.

Where the conversion of a building to residential use is permitted, a planning condition will be imposed withdrawing permitted development rights to alter or extend the building. The residential conversion of listed farm buildings will not normally be permitted.

Application of Policies R8 and R9 to Old Timbers Farm.

The design and scale of the buildings is appropriate to their surroundings, minimising visual impact, of typical Essex weatherboarded rural appearance, single story and forming a visually homogenous and functional group. The livestock housing was built as stables, but professional advice confirms that they are appropriate to the needs of the current stock. Professional advice that additional animal housing is necessary will be subject a separate planning application, in which scale and external appearance will be carefully considered and discussed.

Disposal of waste water.

10.14 The local planning authority, together with the Environment Agency, has a responsibility to ensure that foul water from new development, which cannot be connected to the mains sewerage system, is disposed of in accordance with the hierarchy laid out in Circular 3/99: Non-mains Sewerage Systems 2. The Circular states that non-compliance with its guidance will be a material ground for the refusal of planning permission. Developers who propose to use septic tanks will need to submit details covering parts (a) to (k) of Annex A to the Circular. Developers are advised to seek advice from the Environment Agency, including that contained within Pollution Prevention Guidance Note 4.

10.15 Such an approach will also be adopted where proposals are received for the replacement of existing septic tanks.

POLICY UT2 – NON-MAINS DISPOSAL OF FOUL WATER & SEWAGE

The local planning authority will refuse development that will not connect to mains sewerage, if it is not consistent with the guidance provided by Circular 3/99. Developers should provide evidence covering points (a) to (k) of Annex A to Circular 3/99 at the time of applying for permission.

Application of UT2 to Old Timbers Farm.

Foul water disposal is as it was on purchase, to a septic tank. Environmental Health inspectors have visited the site, inspected and approved.

E.2. Rochford Core Strategy December 2011

Policy H1 – The efficient use of land for housing

The Council will enable the delivery of housing to meet the requirements of the East of England Plan (2008), and will ensure there is an adequate supply of land for the development of housing over a 15 year period. The Council will prioritise the reuse of previously developed land and ensure the delivery of appropriate sites within existing settlements identified by the Strategic Housing Land Availability Assessment.

The Council will seek the redevelopment of Rawreth Lane Industrial Estate, Eldon Way/Foundry Industrial Estate, Stambridge Mills and Star Lane Industrial Estate for appropriate alternative uses, including residential development, with alternative employment land allocated in appropriate locations as identified in **Policy ED4**.

Any scheme for the redevelopment of Stambridge Mills must include adequate flood mitigation measures to satisfy the PPS25 exceptions test.

Appendix H1 outlines the infrastructure that will be required for the development of newly allocated housing sites.

The remaining housing requirement that cannot be delivered through the redevelopment of appropriate previously developed land will be met through extensions to the residential envelopes of existing settlements as outlined in **Policy H2**.

Residential development must conform to all policies within the Core Strategy, particularly in relation to infrastructure, and larger sites will be required to be comprehensively planned.

In order to protect the character of existing settlements, the Council will resist the intensification of smaller sites within residential areas. Limited infilling will be considered acceptable, and will continue to contribute towards housing supply, provided it relates well to the existing street pattern, density and character of the locality.

The Council will encourage an appropriate level of residential intensification within town centre areas, where higher density schemes (75+ dwellings per hectare) may be appropriate.

Application of H1 to Old Timbers Farm

The site is not allocated for residential or business development within the Development Plan. Policy and judicial decisions allow departure from the

Development Plan where material considerations so indicate or where policies refer to different considerations. In this case, District and national policies promoting the rural economy, rural diversification and green tourism are material and support this application. The Act qualifies application of the Development Plan with a conditional "If" and reference to "other material considerations". High Court decisions are critical of "blind adherence" to the Development Plan and require discretion in appropriate cases.

Policy H5 – Dwelling Types

New developments must contain a mix of dwelling types to ensure they cater for all people within the community, whatever their housing needs. The development of both affordable and market housing should have regard to local need. Developers should consult with the Council's Housing Strategy team in order to determine the required mix of house types prior to submitting planning applications.

A proportion of the affordable housing provision within developments will be required to be in the form of three-bedroom or larger dwellings.

Application of H5 to Old Timbers Farm

Old Timbers Farm is below the affordable housing threshold, so no affordable provision is required. The three bedroom dwelling is appropriate for the needs of an agricultural worker and family.

Policy H6 – Lifetime Homes

All new housing developments will be required to comply with the Lifetime Homes Standard.

In addition, at least 3% of new dwellings on developments of 30 dwellings or more will be required to be built to full wheelchair accessibility standards. In the case of developments comprising between 10 and 30 dwellings, at least one dwelling will be expected to be built to full wheelchair accessibility standards.

In the case of both the Lifetime Homes Standard and the wheelchair accessibility requirements, exceptions may be made and a lower proportion of units accepted where such a requirement can be shown to threaten the viability of a particular development.

Application of H6 to Old Timbers Farm

The dwelling complies with the design criteria for Lifetime Homes. Parking is immediately in front of the dwelling, easily accessible with no practical restrictions on either parking a vehicle in the generous available space, or access to the front door, which is at ground level for this single story home. The front door gives access through a wide door to the main living space, in which there is generous space to manoeuvre a wheelchair. All internal floors are at the same level, including access to the bathroom.

Policy CP1 – Design

The Council will promote good, high quality design that has regard to local flavour through the use of the adopted Supplementary Planning Documents and the positive contribution of Village Design Statements. The Essex Design Guide and Urban Place Supplement SPDs will help provide guidance without being overly prescriptive. Developers of large residential schemes will be required to produce and adhere to design briefs, which reflect the local characteristics and distinctiveness of the development area.

Application of CP1 to Old timbers Farm

The farm buildings, including the dwelling, are single story, of traditional weather board on a timber frame, complying with local policy and appropriate for this rural setting.

Policy GB1 – Green Belt Protection Introduction

6.1 The District's land mass is predominantly Green Belt, and the Council envisages that Rochford District will continue to be the green part of the Thames Gateway. National policy on the Green Belt is contained within Planning Policy Guidance Note 2 – Green Belts (PPG2). This states that the five purposes of including land within the Green Belt are as follows:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.2 PPG2 also states that development should not be permitted in the Green Belt unless it is for any of the following purposes:

- Agriculture and Forestry (unless Permitted Development Rights withdrawn);
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it;
- Limited extension, alteration or replacement of existing dwellings;
- Limited infilling in existing villages, and limited affordable housing for local community needs under development plan policies according with PPS3;

and

- Limited infilling or redevelopment of major existing developed sites identified in adopted local plans (see Annex C of PPG2 for further details).

6.3 Policy SS7 of the East of England Plan states that the regional Green Belt boundary is appropriate and should be maintained. However, Rochford District is part of the Thames Gateway Sub-Region and the East of England Plan recognises that local strategic revisions to the Green Belt boundary may be necessary to meet local development needs in sustainable locations. As such a small proportion of the District's 12,763 hectares of designated Green Belt land will be reallocated to meet local housing and employment needs.

Protection of the Green Belt

6.4 The application of Green Belt policy has helped protect the historic fabric of the District; prevent encroachment of development into the countryside; protect natural features, flora, fauna and their habitats; and safeguard the countryside to provide recreational opportunities.

6.5. The Council recognises that diverting development and population growth away from rural areas to existing urban areas can also assist in achieving sustainability objectives.

6.6 The Council will continue to support the principles of restricting development in the Green Belt, as set out in PPG2, and will preserve the character and openness of the Green Belt. However, a small proportion of the District's Green Belt will have to have its designation reviewed to allow the development of additional housing and business premises, taking account of the very limited opportunities to accommodate further development within existing settlements. Previous community involvement exercises have made it clear to the Council that the District's residents consider the protection of the Green Belt to be very important, as does national and regional policy. The Council acknowledge this, and will ensure that the amount of Green Belt land released is the minimum necessary for the purposes of housing and employment growth by prioritising land outside of the Green Belt for development, and, where Green Belt release is unavoidable, ensuring that developments occur at a reasonably high density to limit the amount of Green Belt land that is lost. The exact area of Green Belt land to be allocated for development will be dependent on the Allocations Development Plan Document, however, the policies within the Core Strategy will ensure that in the region of 99 percent of the District's Green Belt remains as such.

6.7. The term 'Green Belt' refers to a planning designation and is not necessarily a description of quality of the land. Land designated as Green Belt can include, primarily for historical reasons, developed land and brownfield sites. As such, whilst it is considered that all land currently designated as Green Belt helps achieve the five Green Belt purposes as set out in PPG2, to at least a degree, some Green Belt land is less worthy of continued protection. The Council will examine the degree to which current Green Belt land is helping to achieve the purposes of the Green

Belt when considering reallocating the land.

6.8.

Appropriate Green Belt locations have the potential to accommodate small-scale employment and recreation opportunities in the countryside, in the form of rural diversification. The Council supports the development and growth of rural diversification and the protection and enhancement of existing rural businesses within the Green Belt, which would benefit the local economy.

6.9 The Council will continue a restrictive policy towards employment growth in the Green Belt, though this will need to be balanced against local employment needs, economic viability and the businesses impact on the objectives of the Green Belt, through its activities and potential traffic generation for example. The conversion of existing buildings for small-scale employment uses will be promoted as far as practicable.

Policy GB1 – Green Belt Protection

The Council will allocate the minimum amount of Green Belt land necessary to meet the District's housing and employment needs. In doing so, particular consideration will be given to the need to prevent the coalescence of individual settlements, in order to help preserve their identities.

The Council will direct development away from the Green Belt as far as practicable and will prioritise the protection of Green Belt land based on how well the land helps achieve the purposes of the Green Belt. Rural diversification and the continuation of existing rural businesses will be encouraged, as appropriate, so long as such activities do not significantly undermine the objectives or character of the Green Belt.

Application of GB1 to Old Timbers Farm.

As an agricultural business, this use is appropriate in the Green Belt and benefits from District policies to encourage and enhance rural, and especially agricultural, business and diversification. The business, with the dwelling, fulfills the functional and financial tests, as set out in the business plan.

Rural Diversification and Recreational Uses

6.12 Whilst the District is predominantly Green Belt, only 3% of its VAT registered businesses are agricultural – less than the regional and national averages. It is recognised that diversification into other forms of economic activity is necessary if rural enterprises are to remain viable. There is concern that the current restrictive approach to development in the Green Belt will not allow the Council to achieve its vision of green tourism developing in the District and may hinder rural diversification. However, any over relaxation of Green Belt policies would be harmful to the character of the Green Belt, undermine the purposes of including land within it, and be contrary to sustainability objectives. A balance needs to be struck.

6.14. Green tourism is a sustainable form of tourism which encompasses small-scale activities that can be promoted within the Green Belt. Such activities must be sensitive to the local environment, have minimal impact on the objectives of the Green Belt, be sustainable in terms of stimulating and supporting rural economic growth and encouraging diversification of rural activities. Acceptable forms of green tourism on open areas of land include outdoor recreation and leisure activities such as bird watching, small-scale fishing lakes, cycling, walking and rambling. Designated areas where green tourism will take place include Wallasea Island and Cherry Orchard Jubilee Country Park, although it may take place throughout the countryside in appropriate locations, balancing the need to protect the character and openness of the Green Belt against supporting and enhancing the rural economy.

Policy GB2 – Rural Diversification and Recreational Uses

The Council will maintain a restrictive approach to development within the Green Belt, but with some relaxation for rural diversification. Forms of rural diversification that may be considered acceptable in appropriate circumstances in the Green Belt include:

- Conversion of existing buildings for small-scale employment use;
- Green tourism which is small-scale and sensitive to the local natural environment (e.g. walking or bird watching);
- Conversion of buildings to bed and breakfasts/small-scale hotels; and
- Outdoor recreation and leisure activities.

In considering proposals for the above, issues pertaining to the purposes of the Green Belt and wider sustainability issues will be assessed, but the Council will make allowances for the fact that public transport is limited within rural areas of the District.

Retail (with the exception of farm shops) and residential development are not considered acceptable forms of rural diversification in the Green Belt.

The Green Belt provides leisure opportunities for the District's residents and visitors. Development that is essential for outdoor sport and recreation activities considered appropriate in the Green Belt (e.g. changing rooms connected with a sports use) will be permitted. Such essential facilities will be expected to have a minimal impact on the openness of the Green Belt.

Application of GB2 to Old Timbers Farm.

The Ecofarm approach, of organic, premium food and a positive approach to environmental management, supports these District policies of green tourism, diversification away from large scale monoculture agribusiness towards a sympathetic husbandry that enhances the economic and environmental potential of District green tourism policy initiatives. Since the District has a low rate of agricultural businesses, despite the rural nature, promoting agriculture is crucial, if it preserves and enhances the traditional countryside. Some of the local countryside is a bland and somewhat featureless, grassland and monoculture arable. Old Timbers Farm, with willows, fruit trees and habitat enhancement, will provide

visual and ecological variety.

7 Upper Roach Valley and Wallasea Island

Objectives

1. To create additional informal, high quality recreational spaces in the Upper Roach Valley which is accessible to local residents, whilst ensuring the protection and enhancement of biodiversity.
2. To ensure the delivery of the Wallasea Island Wild Coast Project in an ecologically sensitive manner which provides recreation opportunities whilst enhancing biodiversity.

Policy URV1 – Upper Roach Valley

The Council will strive to see the Upper Roach Valley become a vast 'green lung' providing informal recreational opportunities for local residents. The Council will protect the area from development which would undermine this aim and will continue the approach of creating the right conditions for flora and fauna to flourish, with the minimum of interference.

Application of URV1 to Old Timbers Farm

Old Timbers Farm enhances the local landscape, allowing flora and fauna to flourish, benefiting from positive land management, biodiversity and habitat enhancement. On a smaller scale, farm management is consistent with the RSBPB Wild Coast approach at Wallasea Island, turning monoculture arable and grassland into a variety of wildlife habitats. The farm lies between the award winning Barling Wildlife site and Wallasea Island. Proposed development of a small farm shop and a place for walkers and bird watchers to rest will promote use of the footpaths and sea wall between these important sites.

Policy ENV1 – Protection and Enhancement of the Natural Landscape and Habitats and the Protection of Historical and Archaeological Sites

The Council will maintain, restore and enhance sites of international, national and local nature conservation importance. These will include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar Sites, Sites of Special Scientific Interest (SSSIs), Ancient Woodlands, Local Nature Reserves (LNRs) and Local Wildlife Sites (LoWSs). In particular, the Council will support the implementation of the Crouch and Roach Management Plan.

The Council will also protect landscapes of historical and archaeological interest.

Policy ENV2 – Coastal Protection Belt

The Council will:

- Protect and enhance the landscape, wildlife and heritage qualities of the coastline, recognising the implications of climate change and sea level rise,

and the need for necessary adaptation;

- Prevent the potential for coastal flooding; erosion by the sea; and unstable land (e.g. land slips);
- Not permit development in coastal areas which are at risk from flooding, erosion, and land instability;
- Ensure that development which is exceptionally permitted does not adversely affect the open and rural character, historic features or wildlife;
- Ensure that development which must be located in a coastal location will be within the already developed areas of the coast.

Policy ENV3 – Flood Risk

The Council will direct development away from areas at risk of flooding by applying the sequential test and, where necessary, the exceptions test, as per PPS25. The vast majority of development will be accommodated within Flood Zone 1. However, considering the very limited supply of previously developed land in the District, proposed development on previously developed land within Flood Zone 3 will be permitted if it enables a contribution towards the District's housing requirement that would otherwise require the reallocation of Green Belt land, providing that it passes the exceptions tests and is able to accommodate the necessary flood defence infrastructure.

The Council will continue to work with the Environment Agency to manage flood risk in a sustainable manner through capitalising on opportunities to make space for water wherever possible and through the continued provision of flood defenses where necessary.

Application of ENV1, 2 and 3 to Old Timbers Farm

A SSSI lies on the northern boundary of Old Timbers Farm, along the sea wall, about 100 metres from the group of buildings. Activities in and around the buildings will not have a direct impact on the SSSI. Farm land management policies will benefit the SSSI and the estuary environment. The principles of sustainable, organic agriculture, enhancing the ecology and biodiversity of the countryside, is central to management of the farm. The farm fulfills and promotes policy objectives to protect and enhance this valuable landscape.

Extensive correspondence with the Environmental Agency has established that, although Old Timbers Farm is in Zone 3, the highest risk, according to the Flood risk map, this takes no account of the flood defences that reduce to risk to low. According to Environmental Agency historic records, Old Timbers Farm has never flooded ever, not even in 1953. The correspondence is appended.

Policy ENV9 – Code for Sustainable Homes

For all new residential developments, the Council will ensure that there are real improvements in key areas such as carbon dioxide emissions and water efficiency. As a minimum, Code level 3 of the Code for Sustainable Homes will be required for all new residential development. From 2013, Code level 4 will be required as a minimum. From 2016 developments will

be expected to meet the zero carbon target. The Council will expect developers to go beyond Code level 3 for developments between 2010 and 2013, particularly in terms of water conservation measures, unless such requirements would render a particular development economically unviable.

Application of ENV9 to Old Timbers Farm

The present dwelling is traditional timber weather boarding on a timber frame, and as such is energy efficient. While not subject to a formal sustainability assessment, wood is an efficient insulator. Heating is by wood. A temporary three year permission will allow the business to prove financial and functional viability, and the grant of permanent planning permission. With that security, a further application for a new dwelling will meet all current standards.

Policy T1 – Highways

Developments will be required to be located and designed in such a way as to reduce reliance on the private car. However, some impact on the highway network is inevitable and the Council will work with developers and the Highway Authority to ensure that appropriate improvements are carried out. The Council will seek developer contributions where necessary. The Council will work with the Highways Authority to deliver online improvements to the east to west road network, and improvements to the highways serving Baltic Wharf in order to sustain employment in this rural part of the District. The Council will also work with the Highways Authority to find ways to manage congestion along specific routes in the District.

Application of T1 to Old Timbers Farm

District policy explicitly accepts that public transport in the east of the District is sparse and reliance on private transport is necessary. Most domestic and business trips to and from the farm are combined and there is little traffic generated by the business. Goods are collected rather than delivered and sales take place from the Eastwood shop.

Policy T8 – Parking Standards

The Council will apply minimum parking standards, including visitor parking, to residential development. The Council will be prepared to relax such standards for residential development within town centre locations and sites in close proximity to any of the District's train stations. Whilst applying maximum parking standards for trip destinations, the Council will still require such development to include adequate parking provision. Developers will be required to demonstrate that adequate provision for the parking, turning, loading and unloading of service vehicles has been provided.

Application of T8 to Old Timbers Farm

For practical purposes, the parking at the front of the buildings, on the

existing hard standing, will accommodate more vehicles than are likely to be present at one time. The access and parking is ample for large vehicles, including horse boxes and articulated vehicles and a dozen or more private cars and light vans, all at the same time if necessary. This number of vehicles at one time is most unlikely to ever occur.

Policy RTC2 – Sequential approach to retail development

The Council will apply a sequential approach to the location of retail development which prioritises the town centres of Rochford, Rayleigh and Hockley.

When applying the sequential approach to retail development, the settlements of Rayleigh, Rochford and Hockley will be acknowledged as distinct areas – retail needs in one settlement cannot be met by development in others.

Where town centre locations are not available, edge-of-centre locations are to be utilised with priority given to locations which have good links to the town centre and are accessible by a range of transport options.

Small-scale retail development will be encouraged in out-of-centre residential areas and villages where such development will serve a local day-to-day need and will not undermine the role of the District's town centres.

Retail development in out-of-town locations, including intensification of uses in existing out-of-town retail parks is considered inappropriate and is not supported.

Policy RTC3 – Village and Neighbourhood Shops

The Council will protect existing retail uses within residential areas outside of the defined town centres.

The Council will encourage and support the provision of additional small-scale retail development in conjunction with new residential development, as long as such retail development will not undermine the role of the District's town centres.

The loss of such retail uses within residential areas will only be permitted where it has been clearly demonstrated that a retail use in the location is not viable and that the proposed alternative use will still offer a service to the local community that meets day-to-day needs.

Application of RTC2 and RTC3 to Old Timbers Farm

While a farm shop, to sell farm produce and perhaps provide a resting place for walkers and others enjoying the countryside, may be part of a future application, it is not part of this proposal.

SPD2 Housing Design

Old Timbers Farm exceeds the requirements of this SPD in all relevant respects. There is ample play space for the children in the protected area in front of the dwelling and livestock houses, where they are visible and under continuous supervision. Current and proposed planting of boundary trees protects visual amenity and privacy. The livestock houses are en bloc, appropriate for the requirements of animal welfare and care.

SPD7 Design, landscaping and access statements

This SPD requires design and access statements, in particular in sensitive sites including the Green Belt, Coastal Protection Belt and sites of Nature Conservation importance. Para 2.6 provides that the work required depends on the type of development proposed. Small householder applications will usually require nothing more than a covering letter setting out the applicant's intention to comply with the design and landscaping requirements. This application is for a three year temporary permission during which the farm must prove that it is viable within the functional and financial requirements. The buildings are as they were on purchase by the Applicant. The attached drawings of the buildings show the single storey, traditional timber construction, appropriate to the rural setting. Biodiversity is central to land management at the farm, with new planting and preservation and enhancement of wild life habitats. Access has been covered above, emphasising the ease of access from the parking area to and through the dwelling, which is on a single level with wide doors.

SPD Parking standards design and good practice

Application of parking standards to Old Timbers Farm

As outlined above, parking provision exceeds all applicable requirements.

E.3. National Planning Policy Framework

3. Supporting a prosperous rural economy

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;
- and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Application of para 28 to this site.

The farm provides important local services and employment, encouraging economic development in this rural area. In particular, supply to local

hospitality businesses supports the Council's commitment to green tourism. The low rate of agricultural business in this rural area is also a source of policy concern to the Council, and a new agricultural business is therefore welcome. Old Timbers Farm is part of the local sustainability and organic food network, promoting permaculture, that is sustainable agriculture.

9. Protecting Green Belt land

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;

Application of para 79 to this site.

Agriculture is an appropriate use in the Green Belt and, subject to the financial and functional tests, the dwelling critical to the success of the enterprise.

100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. 19. (19 Technical guidance on flood risk published alongside this Framework sets out how this policy should be implemented.) Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

101. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of

flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

102. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment n20

(n20 A site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.)

following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems. 21 (21 The Floods and Water Management Act 2010 establishes a Sustainable Drainage Systems Approving Body in unitary or county councils. This body must approve drainage systems in new developments and re-developments before construction begins.)

104. For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the

requirements for site-specific flood risk assessments.

Application of NPPF flood risk policies to this site.

The site specific risk assessment is categorised by the Environmental Agency as 'Low' due to local flood defenses. The farm provides wide community, environmental and economic benefits that fulfill the Exception test. Environmental Agency advice is attached.

F. The functional and financial tests for financial viability and a dwelling.

This section is based on professional advice from Guy French of Whirledge and Nott.

Policies R3 and R4 of the Rochford District Replacement Local Plan refer to Annex 1 of PPG7 "The Countryside: environmental quality and economic and social development", set out above at pages 9 to 12. These require assessment of the need for on site accommodation where this is crucial to the success of an agricultural business. The application must demonstrate that the business is viable and likely to remain so in the long term. Permission will only be given for a dwelling if it is demonstrated that it is essential for the proper functioning of the enterprise for at least one person to be present on the holding at most times of the day and night and the functional need relates to a full time agricultural worker.

As discussed early in this statement, sustainable land management - permaculture – and biodiversity are central to the vision of Old Timbers Farm. This is underpinned by sympathetic animal welfare management.

Pigs.

Gloucester Old Spot – a rare breed rated for their hardiness and meat quality – will be bought and 18 gilts kept for breeding.

Pigs farrow all the year round, typically litters of 10-12, 2.2 to 2.3 litters per year, indoor or in arcs, with piglets weaned at eight weeks and reared free range.

The market for domestic pork is strong and prices expected to rise with a reduction in EU production.

Pigs require very close and continuous supervision. A stockman on site is necessary to make regular checks day and night, provide prompt attention to administer medication and ensure food is taken. Newly weaned pigs are susceptible to temperature changes, diet and exposure to diseases, all of which require immediate action. Fighting and aggression need immediate action to minimise injury.

A skilled stockman on site is essential to avoid high levels of mortality.

Goats

A herd of 60 Boer or Boer cross breed does will provide progeny for meat production. Goat meat appeals to the health conscious market, because it is lean and low in saturated fats and cholesterol. The age at slaughter affects eating qualities, as with sheep and cattle. Rearing is similar to lamb production, as is susceptibility to diseases. With careful, skilled, management, a doe will produce 1.5 to 2 kids per cycle, three times in two years, for ten years – longer than sheep. to produce a consistent supply of meat, kidding must occur throughout the year, inside or outside.

Goats require access to shelter all the year round, from predators, especially at night. A stockman must be on hand at all times to monitor diet and welfare. There is no automated system available to monitor health and welfare twenty four hours a day, neither is it possible for a worker living away from the site to monitor the animals and minimise problems that could lead to losses if not given immediate attention.

Livestock care

Daily animal welfare tasks include feeding and breeding management, but also:

- foot trimming and clipping
- vaccinations
- worming
- inspection for parasites
- disease monitoring
- injury inspection
- lameness
- mastitis
- birthing assistance
- fence inspections to prevent escape
- nutrition and body condition assessment
- fertility inspection
- keeping drinkers and water pipes free from obstruction
- progeny care from breeding
- monitoring predator intrusion
- feeding injured or fostered offspring overnight

Appendix 1 shows labour requirements at 278 standard man days per year, slightly over the standard 275 man days equivalent to one full time agricultural worker.

Appendix 2 shows the costings and profits for pigs and goats over three years, showing a first year profit of £17,310, second year of £29,035 and third year of £42,790. Financial viability at £25,000 annual profit, to provide a workers wages of £13,000 and £12,000 to provide for the construction of a dwelling, is achieved in year two. Other activities will increase financial returns, outlined in the first section above, but are not relevant to the requirement for on site presence at all times, generated by livestock welfare requirements.

Appendix 3 is correspondence with the Environment Agency confirming the low flood risk and absence of any record of flooding from the EA historic archives, including 1953.

Appendix 4 includes an appraisal by an experienced smallholder and a business plan setting out the activities ancillary to the pig and goat enterprises.