

05/11/0019

MR G HUNT

**CHANGE OF USE OF LAND TO SITE A MOBILE HOME AND ERECTION OF STORAGE BUILDING AT FIDEOAK MILLS, UPCOTT ROAD, BISHOPS HULL (AMENDED SCHEME TO 05/10/0038)**

Grid Reference: 318927.124989

Retention of Building/Works etc.

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposal conflicts with the guidance contained in Planning Policy Statement 7 (Annex A) relating to exceptional supervisory dwellings for the following reasons:

The charcoal burning business is not considered to generate a clear functional need to be resident on site at most times.

The Council does not believe that the applicant has a genuine, firm intention to develop the enterprise given, which is considered to have been contrived to create a need to live on site.

It is, therefore, considered to be an unjustified dwelling in an unsustainable location, leading to sporadic development in the open countryside, which would foster increased need to travel by private car, contrary to Policy S7 of the Taunton Deane Local Plan and policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

**RECOMMENDED CONDITION(S) (if applicable)**

Notes for compliance

**PROPOSAL**

This application seeks temporary planning permission for the stationing of a supervisory mobile home. The occupant of the mobile home would supervise a proposed charcoal production business, whilst providing further security to the existing industrial site. A new gravel surfaced yard would be extended across the site to allow access to some proposed storage containers (not subject to this application), 4 proposed charcoal kilns and the mobile home, which would be positioned at the western extremity of the site.

Permission is also sought for a new storage building between the access and mobile home measuring 15 x 30m in floor area. This is requested for the dry storage of

timber to be used in the charcoal production.

## **SITE DESCRIPTION AND HISTORY**

The site comprises an area of grassland to the southwest of the existing industrial buildings at Fideoak Mill. The site had a former industrial use, with a 1970 planning permission that covered both the application site and the existing buildings, although this can no longer be evidenced on site. Access to the site is via a loosely surfaced track, via a bridge over the River Tone, which lies between the application site and the existing industrial buildings.

The site is generally flat, being within and close to the floodplain of the River Tone, the channel of which passes to the south of the site, beyond a line of trees. To the north, a further line of trees separates the site from a mill leet, public footpath and the remainder of the floodplain, commanding long views across the wide valley. Indeed the existing building and site are visible from the south side of Norton Fitzwarren, although the vista is dominated by trees on the rising land beyond and the pylons stemming from the nearby National Grid installation.

The site was developed in the 1970s as a Tannery. Following closure the site lay unused for a period of time. In 2006, planning permission was refused for the use of the site as a go-kart track. In 2007, planning permission was granted for a new industrial building for the manufacture of timber sheds. Planning permission was also refused for the retention of a mobile home. An appeal was subsequently dismissed although the mobile home remains, unauthorised, on site.

An Enforcement Notice was served requiring the removal of the mobile home, which took effect on 29<sup>th</sup> October 2009 with 6 months to comply. From this time, the applicant continually advised the Council that he would vacate the site, but has not done so. The existing mobile home is in a different place to that proposed in this application, being located amongst the existing buildings to the east of the access.

In November 2010, application 05/10/0038 was made for the siting of a mobile home to supervise a proposed charcoal production business and self storage business. That application was refused on 5<sup>th</sup> January 2011 for the following reasons:

1. *The proposal conflicts with the guidance contained in Planning Policy Statement 7 (Annex A) relating to exceptional supervisory dwellings for the following reasons:*
  - *The charcoal burning business is not considered to generate a clear functional need to be resident on site at most times.*
  - *The Council does not believe that the applicant has a genuine, firm intention to develop the enterprise given, which is considered to have been contrived to create a need to live on site.*
  - *The proposed storage business cannot be developed because there is no planning permission in place to secure such a use.*

*It is, therefore, considered to be an unjustified dwelling in an unsustainable location, leading to sporadic development in the open countryside, which*

would foster increased need to travel by private car, contrary to Policy S7 of the Taunton Deane Local Plan and policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

2. The proposed development would result in a highly vulnerable development in flood zone 3a, which would lead to unacceptable risks of flooding for the future residents, contrary to Planning Policy Statement 25.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*BISHOPS HULL PARISH COUNCIL – Not convinced that the previous reasons for refusal have been overcome. The functional test is not met – if at times during the burning process there is only the need to monitor the operation every 4-5 hours, that does not constitute an essential need to live on site, merely operational convenience. Furthermore, nothing can alter the fact that the site is well outside recognised development boundaries.*

*The site includes the entire blue edged land, which is under the same ownership and a mobile home still exists despite the refusal at appeal (05/07/0051).*

*Comment that:*

1. *Approval would set a precedent for residential development in the area.*
2. *It is stated that parking would be provided for 2 cars. Hardstanding has been provided for many more vehicles, no mention is made of any goods vehicles and they are often parked here. Any increase in large vehicles using the access lanes is undesirable. Traffic has already increased noticeably since the main building has been subdivided into several units. There are numerous trees and hedges on the site, but these are not stated on the form.*
3. *Toilets are required for the unit already agreed and the proposed mobile home. There are no details of foul drainage provision or the location of a septic tank.*
4. *The planning statement refers to a mobile home. The dimensions are huge and can hardly be described as 'mobile'.*
5. *The projected kiln burn timetable claims justification for the need for a residence on site. However, query whether it is credible that a person living on site is going to monitor the kilns at the hours stated. Given the time commitments, 7 days per week, this would require shift working and therefore on-site residence is not necessary.*
6. *The number of storage units are not specified, nor is the height.*
7. *Much is made of sustainability. However, the timber supply quoted suggests that it is being transported well over 100 miles (from Hungerford or Surrey?) even though it claims to be local. This certainly cannot be environmentally desirable and therefore we question the description 'sustainable'. Furthermore, charcoal burning traditionally would usually have taken place at the source of the*

*raw material, i.e. in woodland; the appeals quoted seem to be associated directly with forestry operations and therefore do not support this application. It is claimed that waste timber from the activities on the adjacent site would otherwise go to landfill. Since at recycling centres timber is separated from other waste, this claim seems unlikely.*

- 8. Appendix 7 indicates a copy of a partially completed application for a licence for processing Phytophthora affected timber. Query whether charcoal production qualifies as burning to destroy this dangerous organism. Note that logs are already stored near the river bank and hope that these are not of Phytophthora affected timber.*
- 9. The planning application states that the site area is less than 0.3ha. However, the flood risk assessment gives the area as 0.94ha.*

*The applicant has subsequently responded to the Parish Council, advising that their comments are inaccurate and asking for them to be withdrawn. The Parish Council have advised that they will not withdraw their comments, albeit on the understanding that the Planning Officer is made aware of them in order that both views may be taken into account.*

*The applicant has advised that a precedent would not be set due to the tests of PPS7; queries whether the Parish Council can substantiate their claim regarding increased traffic; asks for clarification over the landscaping remarks; confirms that sewage would be dealt with by means of a septic tank or treatment plant; advises that the log cabin would legally be classed as a mobile home; advises that some additional day staff would be required to assist with some aspects of the charcoal production process, whilst night time monitoring is the applicant's responsibility; storage units are not part of this application; the timber comes from within 30 miles of Taunton; the Phytophthora ramorum infection can be killed by heating to 40 degrees whilst the kilns burn in excess of 300 degrees; the correct measurement for the site area is 0.94ha.*

**NORTON FITZWARREN PARISH COUNCIL** – No comments received.

**SCC - TRANSPORT DEVELOPMENT GROUP** – Comments awaited; however the Local Highway Authority have verbally suggested that they will repeat comments made in respect of the previous application, which commented that the proposed development site lies outside any settlement limits and is therefore distant from adequate services and facilities. As such, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs, contrary to local and national planning policies.

Notwithstanding this, it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which outweighs the transport policies that seek to reduce reliance on the private car.

No objection was raised on the technical aspects of the access.

*ENVIRONMENT AGENCY* – While the site currently lies within Flood Zone 3b according to TDBC's Strategic Flood Risk Assessment (SFRA) Level 1, we have recently agreed a Flood Map challenge in this location to re-classify part of this site as falling within Flood Zone 2 (medium flood risk) as shown on the drawings by The Mapping Company dated 12 May 2011 submitted with the Flood Risk Assessment (FRA). This change to our Flood Map should become available in our next quarterly update i.e. by September 2011. We are also working with TDBC to try and include this change within the forthcoming SFRA Level 2.

We are pleased to see that the storage unit and mobile home will be sited wholly within the Flood Zone 2 area of the site and above the 1 in 100 year plus climate change flood level. We are also pleased to see that the buildings will be located away from the River Tone (with the storage buildings located adjacent to the existing culvert) and would not wish to see any further built development close to the open channel for flood risk and biodiversity reasons.

Floodplain compensation is not required for ground-raising in Flood Zone 2. However, this will be required for any ground-raising in Flood Zone 3, which includes the works to ensure that the access is safe. We understand that floodplain compensation will be provided by re-opening a section of in-filled watercourse along the northern boundary of the site. Our preferred option for floodplain compensation would be off-line storage, perhaps with additional volume being made for this in the surface water balancing pond. An off-line scheme would be much more effective and also be easier to maintain. For any compensation scheme, we would expect to see full calculations, cross-sections and maintenance details to ensure that it is designed and operates as intended.

From the submitted Location Plan, it would appear that the in-filled watercourse is not owned, or is only partially owned, by the applicant. Any works would therefore need to be agreed with the landowner. Again, taking this issue into account, it may be best to progress an off-line flood compensation scheme wholly within the application boundary.

We are pleased to see that a sustainable drainage solution will be provided on site. While full details of the pond have not yet been provided, we are confident that there is adequate room within the Flood Zone 2 section of this site for the pond to be located and to discharge at Greenfield runoff rates.

### *Sequential & Exception Tests*

PPS 25 requires the Sequential Test to be demonstrated for proposals, other than those listed in footnote 7 and Change of Use (except where a new dwelling is proposed, see PPS25 Practice Guide paragraphs 4.40 – 4.41). Where the proposal is for non-major development, such as this, we will not object on the lack of evidence of the Sequential Test, but it is still a requirement of PPS25.

You must be satisfied that the Sequential Test has been adequately demonstrated and the Exception Test applied. RMA Consulting make the point that the Sequential Test has already been passed within the previous application 05/2008/056 within the submitted FRA. However, this application was determined 3 years ago, and the availability of sites in Flood Zone 1 may have changed since this time. We will support any decision you come to on this matter.

With regards to the Exception Test, it is the responsibility of TDBC to assess parts a and b. We consider that part c is passed provided that the measures outlined in the FRA are included within any permission granted.

The site is located in a sensitive area adjacent to the River Tone. It is unclear whether the site has been subject to any contaminative uses in the past, although we understand it has been used industrially. On this basis, we would not seek a full investigation as part of any permission, although measures should be put in place to ensure that any unsuspected materials are dealt with appropriately within the development.

Any non-mains drainage system will require either a waste exemption or Environmental Permit.

No objection subject to conditions relating to finished floor and ground levels; agreement and implementation of a flood compensation scheme; agreement of a surface water drainage scheme; contamination and recommend a number of informatives.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* – The site has a past history of commercial use and the proposal is for residential use. Therefore, the standard contaminated land condition should be imposed.

The developer should be aware that under Planning Policy Statement 23 the responsibility for ensuring that the development is safe and suitable for use for which it is intended lies with the developer.

## **Representations**

In total, 81 letters of SUPPORT have been received, as follows:

18 individual letters from local residents and businesses, making the following comments:

- No objection to living on site.
- The applicant is hard working and a very upstanding member of the community;
- The applicant has exceptional drive and enterprise.
- The proposed charcoal venture could provide a good local use for timber off cuts from Clanville Sawmills in Milverton.
- There are no other known local producers of charcoal.
- The site is ideal for the processing charcoal.
- A small factory and dwelling would be preferable to the large industrial building that already has permission.
- Any development that would improve the site and help unemployment in the area would be beneficial.
- Ashwood Timber are a professional company and are always willing to help. They adapt well to changing economic circumstances.
- Since the applicant's occupation of the site, the general tidiness and visual impact on the area has improved substantially.
- Small enterprise should be encouraged. It is refreshing to see a local business trying to expand in current economic times.

- The previous abattoir and tannery uses produced unpleasant smells and a great deal of traffic which has improved in recent years.
- There was formerly a brick built dwelling on the site.
- As a charcoal maker in the past, aware that an on-site residence is required for supervision.
- Most UK charcoal is imported from abroad so making it locally can only be good.
- The site is well screened.
- This is only a small development compared to the large development that all local residents were against.

1 letter from a haulier who operates from the yard at Fideoak Mill, explaining that he is supplying the applicant with timber to meet his demand. It confirms that the timber is sourced from woodland near Exeter and there would be no problem in meeting the businesses demand.

A further 62 letters were received. These are considered to constitute a petition, because they had been pre-printed, simply requiring the respondent to complete their name and address. They comprise:

36 identical letters from residents of Bishops Hull stating that:

- They understand that the applicant intends to add charcoal making to his existing business and in order to monitor the kilns for quality and safety, needs to live on site.
- The site is well screened by trees in its rural location and the small scale development would have little or no detrimental impact on its location.
- It may offer employment and bring finance to the local economy.
- Local businesses need support.

13 identical letters from residents of the wider Taunton and Somerset area stating that:

- They understand that the applicant intends to add charcoal making to his existing business and in order to monitor the kilns for quality and safety, needs to live on site.
- The applicant is hardworking and intent on making the new business venture a success.

4 identical letters from 'business associates' of the applicant stating that:

- They understand that the applicant intends to add charcoal making to his existing business and in order to monitor the kilns for quality and safety, needs to live on site.
- The applicant is hardworking and conscientious and are adapting to the current changes in the economic climate
- They have no doubt that the new business venture will be a success.

9 identical letters from local businesses in Bishops Hull stating that:

- They understand that the applicant intends to add charcoal making to his existing business and in order to monitor the kilns for quality and safety, needs to live on site.
- The site is well screened by trees in its rural location and the small scale development would have little or no detrimental impact on its location.
- It may offer employment and bring finance to the local economy.
- Local businesses need support.

## **PLANNING POLICIES**

EN28 - TDBCLP - Development and Flood Risk,  
EN12 - TDBCLP - Landscape Character Areas,  
EN3 - TDBCLP - Local Wildlife and Geological Interests,  
EN28 - TDBCLP - Development and Flood Risk,  
S1 - TDBCLP - General Requirements,  
PPS7 - Sustainable Development in Rural Areas,  
PPS25 - Development and Flood Risk,  
EN12 - TDBCLP - Landscape Character Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

This application seeks permission for two separate, yet associated, developments: A timber storage building and a supervisory mobile home. These require assessment in a completely different manner and, accordingly, will be assessed separately in this report. It should be noted that the physical stationing of the charcoal kilns themselves is not considered to be operational development and, given the authorised use of the site for general industry, charcoal manufacture in the manner proposed is not considered to require planning permission.

### Timber storage building

The building would provide a dry storage area for timber awaiting processing into charcoal. This would comprise both timber felled from woodland and brought to the site specifically for that purpose and timber off-cuts from the existing timber product manufacturing business. Although the kilns themselves do not require permission, it is considered that in order for that proposed enterprise to function properly, a storage building is required.

The applicant's agent has confirmed that the existing buildings are all currently in use and are not available for storage purposes. In addition, they are sited some distance from the kilns and would require multiple awkward trips to be made in order to load the kilns. This is accepted and the principle of a storage building is, therefore, considered to be acceptable.

There is a historic permission (2008) for a new manufacturing building on the site of the proposed storage building. Whilst this has not been implemented, it was of a considerably larger scale and in this context, it is considered that the landscape impact of a building in this location has already been considered to be acceptable.

As with all recent developments at the Fideoak Mill site, there is concern that the grant of an unrestricted planning permission for a storage building at the site could lead to a proliferation of separate industrial buildings and uses – in effect a new industrial estate in this isolated location with relatively poor access and approach roads. To some extent the recent subdivision and sub-letting of the existing buildings (which does not require permission) has borne out these concerns and the buildings are not currently available. Permission for new buildings has previously been granted on the basis that it would allow the existing business to expand and restrictive conditions have been imposed to that effect. This is rather more problematic since the building is now required for a new enterprise which, whilst related to the existing manufacturing processes, cannot really be viewed as part and



parcel of the existing operation. However, as with the previously permitted building being subject to a condition that it could only be used for the manufacture of timber products, it is considered that a similar condition that the building could only be used for the storage of material to be used in manufacturing processes on the site would afford a realistic and reasonable level of control over future uses of the building. That way, it would always remain ancillary to a business that is otherwise operating from the site and would not lead to sporadic industrial development or an unreasonable increase in traffic.

With regard to these matters, the proposed storage building is considered to be acceptable.

### Mobile Home

The proposed temporary residential accommodation was the subject of the recently refused application 05/10/0038. The relevant considerations, therefore, are whether the previous reasons for refusal have been overcome – i.e. is the development now acceptable in principle as an exception to normal policies of restraint in accordance with Planning Policy Statement 7, Annex A relating to supervisory dwellings; and would the development be safe from flood risk.

### Principle of development

The previous application was considered to fail on 3 counts – that there was no functional need to supervise the proposed charcoal burning enterprise; that there was no firm intention to develop the enterprise, with the proposal being contrived in order to retain a dwelling on site; and that the storage business which partly justified the dwelling could not be developed because it did not benefit from planning permission. The last of these is no longer relevant as the storage business is not currently proposed and it is not argued as forming a necessary part of the functional test.

Some additional information has now been submitted in terms of the proposed charcoal burning enterprise, which is now proposed to be more intense than at the time of the previous submission. To date, the applicant has purchased 3 kilns and intends to purchase a 4<sup>th</sup>. The process of charcoal manufacture takes around 72 hours from start to finish, so the use of 4 kilns would allow a continuous production of charcoal, with a new burn being commenced each day – the first kiln becoming available for a new burn the day after the 4<sup>th</sup> had been commenced.

Further information has been submitted regarding the labour involved within charcoal manufacture. It is accepted that the stacking and lighting, together with the initial stages of the burn require a significant amount of supervision – visual inspections are required to alter the burn process and this early stage can take around 4 hours from ignition. From then, it seems that the kiln must be sealed and allowed to burn for around 24 hours until it is set to cool for a further 24-36 hours. Great play is made by the applicant that this whole process requires a constant supervision to ensure an even burn, with adjustments being required due to changes in wind direction and other weather events. However, your officer's remain unconvinced by this aspect. Rather it seems that once the kiln is sealed it can be, largely, left to its own devices and certainly over the night time period, any monitoring would be very limited as there would be insufficient light to assess the burn. Practically, it seems

unlikely that anybody would embark on a business venture that required them, every single night of the year, to check kilns at 23.00, 02.00 and then 07.00. Whilst the applicant's point of view that his nocturnal habits are his own business and that anybody starting their own business is prepared to suffer long hours, the Parish Council's contention this practice is ultimately unsustainable and would be better served by shift working is considered to be a very reasonable one. Accordingly, burns could be monitored with a site office and would not require a dwelling.

Furthermore, the issue of day light presents a problem in terms of the continuation of business through the winter months. Historically, charcoal manufacture was a seasonal business and, although the traditional way of life has ceased, there were practical reasons for this. The successful production of charcoal requires monitoring of the smoke emitted throughout the burn cycle and this is not possible in low-light conditions. Therefore, for a substantial portion of the year, it would not be possible to undertake the process effectively. If a functional need did exist, therefore, it would be seasonal and would not justify a dwelling throughout the year.

In support of the application, the applicant has referred to three appeal decisions that appear to support the need for an on-site presence for charcoal burning. However, it is not considered that these are directly comparable: one is also related to a carpentry business, and the others are more concerned with ensuring an holistic approach to woodland management. Certainly, your officer's believe that most charcoal production enterprises are an ancillary use to woodland management and this is the source of most British made charcoal. In respect of this type of, woodland, enterprise, it is accepted that there could potentially be fire risks associated with a burn and may well be undesirable to leave a kiln alight in a wooded area. The application site, however, is on bare, brownfield industrial land which is, furthermore, proposed to be hard surfaced. Whilst trees surround the site, the kilns could be easily positioned some distance from the boundaries to avoid unacceptable fire risks.

In any case, the presence of other appeal precedents can carry little weight – all that the Council has before it is the inspectors decision letter and no background information regarding the sites' locations or other issues that may influence the decision. Ultimately, this current proposal seeks a supervisory dwelling for an industrial, manufacturing process not one linked to sustainable woodland management; such is not considered to require a permanent on-site presence at most times above and beyond any other business venture. Whilst it may be convenient for the applicant to live on site, it is not considered to be essential for the proper functioning of the enterprise.

It is true that an on-site dwelling would assist with site security. Planning Policy Statement 7 indicates that security can add weight to a case for functional need, but cannot, alone, justify a dwelling. The applicant has suffered break-ins in the past and the police have suggested that a dwelling on-site would help with security – however, your officer's consider that they would be unlikely to say anything else. It should also be noted that these break-ins have occurred whilst there has been an (unauthorised) dwelling on the site, so the dwelling is clearly not preventing criminal activity. Furthermore, the proposed siting of the dwelling would be further from the existing industrial buildings than the existing, so its effectiveness at preventing criminal activity at the existing buildings is questioned. It must also be noted that the dwelling is required (allegedly) for the functional needs of the charcoal manufacturing business. It is considered that theft of the waste timber/kilns is relatively unlikely and it is not considered that an on-site dwelling is required for the security of this business.

The second element of the reason for refusal related to the applicants intent to develop the enterprise. There is a history of unauthorised residential occupation of this site, with the applicant continually frustrating the Council's attempts to cease occupation, through what could be considered to be 'delaying tactics' and this contributed your officer's concern in respect of the previous application.

The applicant's agent has pleaded that this application be determined solely on its own merits, based on a simple assessment of the functional need. Evidence of the applicant's investment to date has now been submitted and is in the form of kilns, site security, hard surfacing and a log processing machine. The proposed construction of the storage building (and the fact that permission is sought for it in this application) is further evidence of intent to develop the enterprise, and it is accepted that this is similar to the amount of 'intent' that would usually be accepted for a new agricultural enterprise.

However, the planning history of the site remains a material consideration. In assessing the previous application, your officers were concerned that the applicant's intention is not a genuine business proposal, rather, it is a contrived proposal in order to facilitate residential occupation on the site. The planning history provides clear evidence of the applicant's desire to live on site and has previously failed to convince the Council and an appeal Inspector in the past that he has a genuine functional need. Subsequent to this, he has continually frustrated the Council's requests to comply with the enforcement notice, repeatedly advising that he will vacate shortly. Such behaviour continued until September 2010 (nearly 12 months since the enforcement notice became effective), when the applicant was advised to remove the mobile home by 29<sup>th</sup> October or else face prosecution action. It was subsequent to this that applicant first advised the Council of his new proposals to manufacture charcoal. There were then further delays in lodging the initial application, and following refusal of the previous application in January, it took repeated further threats of prosecution and a further 5 months to submit a new planning application. Such behaviour is considered to be an indication of his realisation that he would have no choice to leave or face prosecution action, rather than a firm intention to develop a new business.

PPS7, Annex A states quite clearly at paragraph 5 that "In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the [site] to establish the recent pattern of use of land and buildings...". Attributing significant weight to the planning history is, therefore, considered to be entirely justified.

### *Flood Risk*

Subsequent to the previous refusal, the applicant has challenged the classification of the site as flood zone 3. The Environment Agency has now accepted that the site is, in fact, within flood zone 2 and that the proposed mobile home is compatible with this designation, in accordance with PPS25.

PPS25 still requires that the sequential test is passed, i.e. the Local Planning Authority must be satisfied that there is no other suitable site at a lower risk of flooding. Clearly, if there is no functional need for a dwelling on this site, then there is plenty of other land within the Taunton Deane Borough in which to site a dwelling,

which is at lower risk of flooding. However, if the functional need is accepted, then this would be the most suitable location at the Fideoak Mill site, in terms of flood risk.

If this position is accepted, then the real reason for refusal of the application is the lack of functional need and the flood risk argument is rather secondary to this. In this context, it is considered meaningless to refuse permission on the basis of flood risk, so taking a pragmatic view, it is considered that the second reason for refusal is overcome.

## **Conclusions**

The site is within the open countryside where new development must be strictly controlled. That said, the provision of a new, ancillary, storage building for an authorised operation of the site is considered to be acceptable, encouraging the business to grow and develop. The residential occupation of the site, however, is not considered to be justified or necessary for the business to succeed.

There has been considerable support for the application, albeit that three quarters of it is on standard copy letters. The representation in support, however, focus on the need to allow local businesses to develop in these difficult economic times and your officers do not intend to frustrate this. It is the provision of the storage building that will allow the enterprise to develop, not the proposed residential occupation, and there is no objection to that building. Indeed, if a separate application were made for the storage building, then your officers would likely recommend it for permission; however, that proposal is currently subject to the same application as the unacceptable temporary dwelling. The application is, therefore, recommended for refusal.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

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