

20/10/0007

MR R J SWEET

**CHANGE OF USE OF LAND FOR THE STATIONING OF A TEMPORARY MOBILE HOME FOR AN AGRICULTURAL WORKER AT SWEETERS POCKET, PICKNEY LANE, KINGSTON ST MARY**

Grid Reference: 319868.128416

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

It is considered that having regard to Taunton Deane Local Plan Policies S1, S2, S7 and EN12, the proposal would not adversely affect visual or residential amenity and would comply with the tests set out in Annex A of PPS7, and material planning considerations do not indicate otherwise.

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

1. The permission hereby granted shall be for a limited period expiring on 11 August 2013, on or before which date the mobile home shall be removed from the site and the land restored to its former condition in accordance with a scheme of work submitted to and, approved in writing by the Local Planning Authority beforehand.

Reason: The development is of a type not considered suitable for permanent retention and is in an area of countryside where dwellings are not permitted unless considered essential in the interests of agriculture or forestry in accordance with Taunton Deane Local Plan Policies S7 and guidance contained within PPS7

2. The occupation of the mobile home shall be limited to a person solely or mainly working, on the land known as Sweeters Pocket, as identified in the application, in agriculture or a widow or widower of such a person, and to any resident dependants.

Reason: The site lies in area where new development is generally restricted to that for which there is a proven need in accordance with Policy H13 of Taunton Deane Local Plan and Guidance in PPS7. The application is allowed on the sole basis of allowing the enterprise to establish.

3. Prior to occupation details of the foul water drainage system and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before the mobile home on the site is occupied.

Reason - To avoid pollution of the environment and/or flooding in accordance with Taunton Deane Local Plan Policy S1 and EN26 and advice contained within PPS25.

#### Notes for compliance

1. If the applicant is minded to extract water from a borehole the Environment Agency should be contacted prior to any works, on 01278 984 644, to discuss the requirements and ascertain whether an abstraction license or consent is required.
2. Percolation tests should be carried out to ascertain the required length of sub-surface irrigation drainage. The Environment Agency's Consent to discharge to underground strata is also required.
3. It is noted that the application seeks the use of non-mains drainage facilities. The applicant should advise why a connection to a public sewer is unfeasible. If a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or there is an increase in effluent volume into an existing system, a Consent to Discharge may be required. This must be obtained from the Environment Agency (if required) prior to any discharge and before any development commences. The applicant is advised that this can take up to four months to complete and no guarantee can be given regarding the eventual outcome of any application. The applicant is advised to contact the Environment Agency on 08708 506506 for further details on Consents to Discharge.

#### **PROPOSAL**

Planning permission is sought for the change of use of land for the stationing of a mobile home for an agricultural worker. The mobile home would be sited to the rear of the farm yard and agricultural buildings. An agricultural appraisal, undertaken by Greenslade Taylor Hunt, accompanies the application.

The business currently runs 6 Pedigree Aberdeen Angus Cows and one Aberdeen Angus Bull. The applicant is in the process of rebuilding the herd after 30 suckler cows suffered with Bovine Tuberculosis and had to be destroyed. The applicant is seeking to rebuild the herd with the business plan indicating 15 Pedigree Aberdeen Angus Cows and 15 commercial cows over the next 3 year period. The applicant currently grazes the cows and stores cattle on the land at Enmore and brings the cows to the current site when they are ready for calving. In winter the applicant can only house the most vulnerable cattle, but with the new calf building will be able to house the majority of the stock.

The applicant proposes to rear (all year round) 100 calves in batches of 25 at a time in the next twelve months, rising to 120 calves per annum in batches of 30 by year 3. These will consist mainly of Hereford and Aberdeen Angus purchased at 2-3 weeks of age. These will be sold at approx 12 months of age.

The applicant also runs a sheep enterprise consisting of 5 breeding ewes and 48 store lambs. The intention is to increase this to 40 Lowland Spring Suffolk x Breeding Ewes and will put these on a Charolais Ram. It is also intended to buy 100 Suffolk x or Charolais x Store Lambs in Years 2 & 3.

## **SITE DESCRIPTION AND HISTORY**

The site comprises agricultural land and is accessed via a field gate from an unclassified road. The site lies to the north east of Fitzroy and west of Kingston St Mary. There is a mature high hedgerow along the roadside hedgerow. The site comprises a range of agricultural buildings - see history below. The holding comprises 8.12 hectares owned (currently negotiating to purchase a further 2.83ha). Sweeters Pocket comprises 3.75 hectares with a further 4 hectares at Enmore. The applicant currently rents a further 29 hectares.

Permission was granted on the 10<sup>th</sup> May 2007 for the erection of a cattle shed, reference 20/07/0011. The holding is currently stocked with a herd of pedigree cattle.

Planning permission was refused, reference 20/09/0014, for the siting of a temporary agricultural workers dwelling, a calf rearing building, and, a bull pen. The application was refused on the basis of the justification for the temporary agricultural worker dwelling did not meet the tests set out in PPS7.

Planning permission was subsequently granted, reference 20/09/0018, for the erection of a concrete blockwork bull pen, adjacent to an existing cattle shed. The pen measures 4.8m x 4.6m with a mono-pitch roof measuring 2.5m to the ridge.

Planning permission was granted, reference 20/10/0003, for the erection of a steel framed calf rearing shed on land to the north of the existing farm yard.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*PARISH COUNCIL* - The Parish Council objects to the development on the grounds that it is not warranted for the enterprise on the information available.

*HIGHWAY AUTHORITY* - The proposed development site lies outside any Development Boundary Limits and is therefore distant from adequate services and facilities, such as, education, employment, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000), and Policy S7 of the Taunton Deane Local Plan and would normally receive a recommendation of refusal from the Highway Authority as a result.

However it is noted that the application is for an agricultural workers dwelling and

therefore 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 reliance on the private car.

In terms of detail the proposal will utilise the existing agricultural access. This access has been subject to some minor improvements which were carried out under planning permission 20/2007/011. As such I am satisfied that the access is of sufficient capacity to be able to accommodate this proposal.

No objection raised.

*DRAINAGE ENGINEER* - (as per 20/09/0014) I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (Sep 91) and made a condition of any approval.

With regards to foul drainage I note that a septic tank is to be installed to treat foul sewage. Percolation tests should be carried out to ascertain the required length of sub surface irrigation drainage. The Environment Agency's consent to discharge to underground strata is also required and they should be consulted.

*WESSEX WATER* - No objections in principle.

*HERITAGE AND LANDSCAPE OFFICER* - (as per 20/09/0014) My main concern is the visual impact of the mobile home. Whereas the materials of the agricultural buildings are dark and blend in relatively well the mobile home with its white panels will stand out. Is there scope for putting it closer to the access gateway off the lane so that it can be screened by the agricultural buildings?

*ENVIRONMENT AGENCY* - (as per 20/09/0014) No objections, in principle, subject to the imposition of a number of informatives

## **Representations**

The application is accompanied by a letter of SUPPORT from the NFU and three letters from individuals.

National Farmers Union – support the proposal for the following reasons: - farm business fulfils both the functional and financial tests; farm business suffered severe set back with loss of all their previous cattle and shown a real commitment to the farm by reinvesting in stock and buildings; enthusiasm for the farming business; current welfare codes require highest levels of animal welfare to be achieved – essential dwelling is situated within sight and sound of the livestock, particularly at calving; improve security; bio-security.

Additional letters from local residents accompany the application: Summary of comments: - no objection in principle; increased security; welcome opportunity for animals to graze at nearby farm.

5 letters of OBJECTION have been received. Summary of objections: -

- The initial planning officers report for the cattle shed stated 'development of the site into the future for residential purposes is contrary to national and local planning policy and therefore not a realistic concern for the site';

- Applicant seeking to exploit loop holes in planning law turning an agricultural field (bare of any structures and with no access from the road, no mains water, no electric and no sewage) into a site which is now only a few steps from being granted planning permission;
- Applicant has sought to facilitate a route to residential development under the pretence of agriculture;
- Current site used regularly as a building yard with high levels of delivery vehicle activity on the local roads;
- Will this lead to a permanent dwelling?
- What if the applicant chooses not to farm in a number of years? - will this lead to residential development in the countryside;
- Applicant has a clause in the purchase of additional agricultural land if planning permission is gained for housing;
- planning laws waived for agricultural applications - it is easy to removed agricultural ties;
- Development would set a precedent;
- Greenfield site;
- Contrary to Policy;
- Intimidation - previous objection letters posted on farm gate;
- Highway Safety issues arising from increased traffic movements (including at access with A356);
- Who monitors highway movements into and from the site;
- Narrow access at entrance resulted in applicant filling in a ditch to help builders vans access the site;
- Initial cattle shed now incorporates a secure concrete block workshop/store;
- Buildings have been erected prior to planning permission being determined;
- Applicant aware of the isolated location of the site prior to thefts of the building;
- Why hasn't the applicant rented or bought an existing farm with agricultural dwelling and acreage?
- The appraisal has omitted a number of residential dwellings in Norton Fitzwarren which would be suitably priced;
- It would make more sense for the applicant to site the property at Enmore where he owns 10 acres and rents 72 acres;
- Mobile Home in situ.
- exacerbate flooding and threaten water supply.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
 PPS3 - Housing,  
 PPS7 - Sustainable Development in Rural Areas,  
 STR1 - Sustainable Development,  
 STR6 - Development Outside Towns, Rural Centres and Villages,  
 S1 - TDBCLP - General Requirements,  
 S2 - TDBCLP - Design,  
 S7 - TDBCLP - Outside Settlement,  
 EN12 - TDBCLP - Landscape Character Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

It is considered that the following key considerations are pertinent to the assessment of the application: - principle of the development; landscape impact; access; and, amenity.

## Principle of the development

There has been opposition from local residents on the basis that the original planning officers report for an agricultural building (cattled shed) stated 'Development of this site in the future for residential purposes is contrary to national and local planning policy and therefore not a realistic concern for this site'. This response was as a result of local residents expressing concern that as the applicant was a builder the proposal would give rise to residential development on this site. Whilst speculative market housing would, due to its location outside of the defined settlement boundary, be resisted an application for an 'agricultural workers dwelling' must be assessed against government guidance contained within PPS7. Annex A of PPS7 states that 'one of the few circumstances in which isolated residential accommodation may be justified is when accommodation is required to enable agricultural forestry and certain other full time-workers to live at or in the immediate vicinity of their place of work'.

In order to assist officers' in the assessment of the previous application, for a temporary workers dwelling, Kernon Countryside Consultants were commissioned to appraise the agricultural appraisal. The findings are incorporated into this report where applicable.

*(i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);*

The applicant has gained planning permission and erected a number of agricultural buildings on the site. These actions all demonstrate an intention to develop the proposed enterprise.

It is noted that the applicant, although a builder by trade, has previously operated a Suckler Cow enterprise. It is also understood that he has also previously worked on farms.

In summary there is no reason to doubt the applicant's intention and ability to develop the enterprise.

*(ii) A functional need is defined as one which establishes whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times.*

The suckler cow herd will initially start with low numbers, it is however planned to increase to 30 suckler cows in Year 3, plus followers. The suckler cows need constant supervision during day and night calving. It is also proposed to develop the Pedigree Aberdeen Angus cows reared through to 24 months of age. The Breeding Ewes will also require supervision during the lambing period. The applicant is also proposing to rear a large quantity of calves per annum and it is intended to rear up to 120 calves a year on milk substitutes.

The Kernon findings agreed with the GTH appraisal that during calving cows require constant supervision. The appraisal also shares the view that mortality rates in young calves will be reduced if a worker is living on site, in particular problems such as pneumonia and scours, can be quickly identified and dealt with. These problems will be a particular issue when calves first come onto the farm, they will be

experiencing a change in surroundings and diet and will be mixing with animals from different farms all of which will make them more susceptible to illness.

It is concluded that on the basis of the information submitted the farming activities, taken together, constitutes a marginal functional need on the size of the enterprise.

*Does the need relate to a full time worker who is primarily employed in agriculture and does not relate to a part time requirement?*

The agricultural appraisal sets out a labour calculation of 0.78 full time workers on the holding in Year 1, 1.42 in Year 2 and 1.55 in Year 3.

*Clear evidence to demonstrate the enterprise has been based on a sound financial basis?*

The previous application was refused on the basis that it had not clearly been demonstrated that the test had been complied with. Post decision the applicant's agent has responded to Kernons request for further financial information including forage costs for the enterprise. On the basis of the revisions Kernon are now satisfied that the variable costs associated with the livestock enterprises are broadly comparable with that set out in recognised budgeting books and accordingly should be achieved. There is clear evidence that the predicted profit for Year 3 is achievable. There is also further evidence that the profit may be increased if the animals are sold at an increase in value as suggested thus providing an adequate return on the applicant's labour and capital investment (further agricultural building/purchase of additional land).

#### Landscape impact

The site is well screened along the road frontage by a mature high hedgerow and a condition has been previously imposed requiring its retention. The mobile home would not be visible from the gateway to the site although it would be viewed from distant views diagonally across the field; however it would be viewed in the context of the existing farmyard and agricultural buildings. It is therefore considered the proposed siting of the mobile home is acceptable

#### Access and Parking

The development would utilise the existing access drive to serve the site and it is considered there would be sufficient parking within the site.

#### Amenity

The proposed siting would have no adverse impact on residential amenity by reason of its siting and existing separation distances. The Environment Agency has not previously raised any objections to the proposal. A condition is imposed seeking further details of the drainage system.

#### Summary

It is considered that the proposed agricultural appraisal complies with the tests set out in Annex A of PPS7 in so far as: -

- There is no reason to doubt the applicant's intentions or ability to develop the proposed enterprise;
- there is a marginal functional need;
- there is 'clear evidence' to demonstrate that the enterprise has been planned on a sound financial basis;
- due to the isolated position of the farm holding there are no properties reasonably available within 'sight and sound' of the holding.
- the position of the mobile home sited adjacent to the existing barn from a functional perspective is acceptable

In addition the development would not adversely affect visual or residential amenity or highway safety and is therefore considered acceptable.

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

**CONTACT OFFICER: Mr A Pick Tel: 01823 356586**