

09/2007/020

MRS KAREN THORNE

ERECTION OF TEMPORARY AGRICULTURAL WORKERS DWELLING AT BOBSHAWS, WATERROW AS AMENDED BY AGENTS LETTER DATED 28TH SEPTEMBER, 2007 AND ATTACHED PLAN

304521/125126

OUTLINE APPLICATION

PROPOSAL

Permission is sought for the siting of a temporary agricultural workers dwelling at land now known as Bobshaws, West Bovey. The holding consists of 8.5 hectares (21 acres) and is situated to the north of the B3227 and West Bovey Farm. Permission was approved, planning reference 09/2006/010, for the erection of two agricultural buildings for the purposes of cattle shelter and feed store. There is an existing access and field gateway to the site. The site has an elevated position in an area of undulating open countryside.

The proposed siting of the mobile home would be to the west of existing farm buildings which have recently been granted consent. An agricultural appraisal accompanies the application setting out the functional and financial justification for a full time worker on site in connection with the agricultural enterprise. At present the main enterprises on the farm are a dairy goat herd and a calf rearing enterprise. The appraisal states that the proposed business plan is to develop the dairy goat enterprise up to 150 milking goats that are kidded all year round. There is also a calf rearing enterprise on the site approximately 120 calves.

The appraisal identifies that the full time labour function on the farm is carried out by Mrs Thorne with her husband Mr Thorne working part time during busy periods.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site lies outside the confines of any major settlement, where it is remote from adequate services, facilities, education or employment opportunities, and there is no public transport available. As a result the occupants of the proposed dwelling would solely be dependant on private vehicles for their daily needs. Accordingly I consider the development to be contrary to the advice contained within PPG10, PPG13 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and adopted policies 2000. Although this development is considered unsustainable in terms of transport policy, it must be a matter for the Planning Authority to determine whether the agriculture merits outweigh the highway sustainability issues raised. If the application is minded for approval a condition requiring 2 parking spaces to be provided and properly consolidated should be imposed.

LANDSCAPE OFFICER it may be possible to soften the visual impact/screen the proposal, in a similar way to the agricultural building, with simple earth boundary and

tree and shrub planting. NATURE CONSERVATION OFFICER I understand that the existing track will be used and therefore there will be no impact on the hedgerow on site/road boundary. Although I could not access the site my impression is that the land is improved grassland and that the access has already been implemented. The proposal is unlikely to impact on protected species. ENVIRONMENTAL HEALTH OFFICER the applicant is served by a private water supply and any increased usage from the proposed barn should be notified to the Environmental health department. DRAINAGE OFFICER I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (Sept 91) and made a condition of any approval. It is also noted that a septic tank is to be used to dispose of 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.

PARISH COUNCIL there is no electricity or water (certainly NOT MAINS) on this site. Production of goat's milk for human consumption is not viable given the hygiene requirements of a dairy. The acreage is inadequate to support 150 goats and 30 calves. We strongly object to this application, since the viability of the enterprise is paramount when assessing the need for a temporary dwelling. Further response following site visit, Councillors considered the enterprise was not viable for the following reasons:- 1. There is no electricity on the site; 2. There is no water - certainly not mains water; 3. The agent said an easement was issued for water from the neighbour and we are now told that no easements exist; 4. Seven properties now draw water from their own bore holes since the former Bovey Farm was sold and split up and another one could affect the supply especially in drought conditions; 5. The acreage was considered inadequate for 150 goats and 30 calves. 6. Strict hygiene regulations apply in the production of milk for human consumption so the water supply is vital in the dairy. The Parish Council object to the application because the viability of this enterprise is paramount when assessing the need for a temporary dwelling. In addition there is the question of run off and pollution associated with any livestock enterprise and the potential for contamination of the existing water supplies to neighbouring properties.

WARD MEMBER objects to the proposal on the grounds that there has been a lack of sufficient consideration given to the ongoing viability of the project and to the suitability of the site for such development. The site is located in an area of Special Landscape Value, in open countryside and is highly visible. To my knowledge mains water is not available in this location and although the development as proposed is for a small unit this number of animals will demand a considerable supply of fresh water daily. Whilst a borehole might be a solution, neighbouring properties lower down the hill are reliant on existing springs and boreholes, which could be adversely affected by an increase in demand.

9 LETTERS OF OBJECTION have been received raising the following issues:- proposed development could result in loss of water supply if the applicant uses the borehole; pollution; no details of foul drainage; concern over animal welfare; small acreage; unviable; other redundant farms and farm building in the area; visual impact; caravan/log cabin would be out of character; iron gates erected without permission; existing agricultural building erected with white/light grey roof highly visible; applicants living on site; where will this sporadic development end?; originally

farm enterprise was for beef stock; applicant originally stated would seek to relocate and not require a mobile home; area of land to be designated a Nitrate Vulnerable Zone in February 2008 and a Farm Waste Management Plan would be required to satisfy the requirements of the Environment Agency and the Control of Pollution Regulations for such a livestock enterprise, which should set out how much total waste these animals will produce and the unit as a whole and whether or not they have enough land to spread this waste; proposal would have to comply with the DEFRA guidelines on slurry and waste; business plan should be required detailing whom the milk is being sold to; where will the milk be stored as current buildings not suitable.

POLICY CONTEXT

RPG10 (Regional Planning Guidance for the South West), 2001.

PPS1 - Delivering Sustainable Development PPS3 - Housing PPS7 - Sustainable Development in Rural Areas PPS9 - Biodiversity and Geological Conservation.

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR6 (Development Outside Rural Centres & Villages) and Policy 5 (Landscape Character).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), H12 (Agricultural Workers Dwellings) and EN12 (Landscape Character Areas).

ASSESSMENT

It is considered the key issues in the assessment of this application relate to the justification submitted for an agricultural workers dwelling; and the siting of the Policy H12 of the Local Plan requires that the provision of an agricultural worker's dwelling is proven by a functional and financial test. Paragraph 10 of Planning Policy Statement 7 - Sustainable Development in Rural Areas makes it clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development maybe justified is when accommodation is required to enable agricultural.. workers to live at, or in the immediate vicinity of their place of work. However, the guidance states that it may often be as convenient and more sustainable for such workers to live in nearby settlements, so as to avoid potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close, to the site of their work. It is therefore the needs of the enterprise concerned and not the personal preferences or circumstances of any of the individuals involved. As such a rigorous approach to assessing applications is required to ascertain whether the enterprise is genuine, reasonably likely to materialize and capable of being sustained for a reasonable period.

Annex A of PPS7 sets out a criteria based assessment for the provision of temporary agricultural dwellings. (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a

good indications of intentions); (ii) functional need - a functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most time. Such a requirement might arise, for example, if workers are needed to be on hand day and night: (iii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems. (iv) clear evidence that the proposed enterprise has been planned on a sound financial basis; (v) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and (vi) other normal planning requirements e.g. on siting and access are satisfied. The guidance states that a period of three years should be granted for a temporary workers dwelling.

A detailed appraisal accompanies the application. The agent states that the goats will be kidding all year and will ensure a constant supply of milk. The goats are currently milked using a portable milking machine. The intention is to install a specialist goat parlour into one of the new buildings to expand the existing enterprise, comprising 46 goats, to expand up to 150 goats. In addition the enterprise will run alongside a small calf rearing enterprise. It is concluded that there is considered to be a functional and financial justification for a temporary agricultural workers dwelling on the application site to serve this agricultural holding. It should also be noted that the proposal is for a temporary permission and any subsequent application would also need to justify the financial test requirements set out in Annex A of PPS7 for permanent residential dwellings. However, it is concluded that on the basis of the information submitted there is considered to be a functional and financial justification for the provision of temporary workers dwelling on the application site to serve this agricultural holding.

In response to the issues raised by the Parish Council and local residents the agent has responded. It has been clarified that the applicant does not have an easement in relation to water with the adjoining landowner, but does have an agreement that the supply can be used until such time as an alternative source can be established. The agent states that the applicant has spoken to the Environment Agency, and confirming the comments of the applicant, an abstraction license is not required where less than 20 cubic metres of water (approximately 4,400 gallons) a day is sourced from a single point. However, the applicant would require right of access to the borehole and is advised to contact the Environment Agency to discuss the requirements of the enterprise and clarify whether any license or consent would be required. A note would be attached to the decision notice advising the applicant of this.

The requirements of any 'Farm Waste Management Plan' and the requirements of the Environment Agency and DEFRA would be dealt with through separate legislation and licensing and would not be a planning consideration per se.

In assessing the visual impact of the development, the proposed siting of the temporary workers dwelling would be positioned in close proximity to the existing agricultural buildings on site. Furthermore the site would be accessed by an existing vehicular access. It is considered subject to the provision of suitable landscaping a

temporary worker dwelling could be sited without undue harm to the rural character or appearance of the area.

One of the concerns of the Parish Council and local residents relate to the provision of unauthorized entrance gates on the road frontage of the site. The gates are rather ornate and suburban in appearance appearing incongruous in this rural setting and it is recommended that enforcement action be taken to remove the gates. Negotiations have taken place with the applicant that the provision of traditional timber farm gates would be more appropriate. However it is recommended that enforcement action be taken if the gates are not removed.

For the reasons outlined in the report it is recommended the application be approved subject to conditions detailed below.

RECOMMENDATION

Permission be GRANTED subject to conditions of temporary time limit, agricultural tie, landscaping, details of fencing, removal of PD rights for fencing, details of water supply, full details of foul and surface water drainage, percolation tests. Note re soakaways, percolation tests, contact the Environment Agency in respect of any license or consent requirements for sourcing water from a borehole, applicant to contact Environmental Health for any increase usage to private water system.

The Solicitor to the Council be authorised to commence enforcement action to seek the removal of the existing unauthorised gates at the entrance to the site.

REASON(S) FOR RECOMMENDATION:- The justification submitted for a temporary workers dwelling for an agricultural worker is considered acceptable and would not detract from the visual or residential amenity of the area. The scheme therefore accords with Taunton Deane Local Plan Policies S1, S2, S7, H12 and EN12 nor Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 or Policy 5.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356586 MR A PICK

NOTES:

