

23/2004/036

SARA JENKIN

USE OF LAND TO SITE MOBILE HOME FOR USE IN CONJUNCTION WITH PROPOSED PHEASANT REARING BUSINESS, FORD BRIDGE QUARRY, MILVERTON.

12517/26335

FULL PERMISSION

PROPOSAL

The proposal provides for the stationing of a mobile home in conjunction with a proposed commercial pheasant rearing business at the property. There is an existing storage shed on the property. Planning permission was granted in 2003 for the erection of a building for use as an agricultural workshop. At the time of the case officer's site visit, the steel framework for this building had been erected. The application was accompanied by a business plan. The applicant's intention is to buy in day old chicks and rear them up to the selling point and also rear own stock of pheasants and incubate the eggs. The applicant anticipates that her potential customers will be local farmers or landowners who provide commercial shoots in the area. A letter of support from the Country Land and Business Association was submitted with the application. This considers that the proposal is sustainable and will enable a rural business to become established and successful. A letter of support was also submitted by the British Association for Shooting and Conservation. This indicates that the lack of any of the basic principles of heat, shelter, food and water can cause extreme suffering and in many cases death for the young birds. It goes on to say that the need for constant human presence to ensure the continued supply of these basic needs is vital if the birds' health and welfare are to be held in the highest regard. A further letter of support was included from the Game Farmers' Association. This indicates that there is a need to be on site to manage the day to day running of a game farm and it is imperative to be on hand to monitor and forestall or deal with emergency situations which inevitably arise when dealing with vulnerable livestock and the British climate. Examples given are dealing with power failures, management of radiant gas heaters, monitoring of electric fencing to deter predators and constant vigilance of security systems.

A previous application for a mobile home at the premises submitted in 2003 was withdrawn prior to determination. On that occasion, the requirement was for security reasons in relation to the proposed agricultural engineering workshop.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY from a highway point of view access is poor, however if the pheasant rearing goes ahead without the on site caravan then it will generate traffic to and from the sub-standard access. The fact that there is a dwelling use on site will probably not generate significantly more traffic and in consequence do not raise a highway objection subject to there being an overriding need for the dwelling

in conjunction with the proposed use. SOMERSET ENVIRONMENTAL RECORDS CENTRE no statutory or non-statutory sites and species at the application site. One or more legally protected species and badgers have been found within 1 km of the application site. There are 3 County Wildlife Sites within 1 km of the site.

DRAINAGE OFFICER no objection. RIGHTS OF WAY OFFICER the footpath and RUPP will not be affected.

PARISH COUNCIL no objection provided that the initial permission was for 3 years and the use and location of the mobile home is explicitly tied to the business of rearing pheasants on the land in question. Any future applications for continuation or establishment must be judged on the success of the business.

POLICY CONTEXT

County Structure Plan Policy STR1 on sustainable development is relevant. Part of this policy requires the development of a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking. Policy STR6 states that development outside towns, rural centres and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

Policy S8 of the emerging Taunton Deane Local Plan states that outside defined settlement limits new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and meets certain criteria, none of which are met with the current proposal. Policy H14 states that dwellings for agricultural or forestry workers will be permitted outside the limits of settlements provided there is a proven need for the dwelling there and the farm or forestry unit for which is sought is proven to be financially viable. Although the proposal is not strictly for occupation by an agricultural worker, this policy is of relevance to the consideration of the application.

ASSESSMENT

The guidance in PPS7 for temporary agricultural dwellings states that there should be clear evidence of a firm intention and ability to develop the enterprise concerned and that the proposed enterprise has been planned on a sound financial basis. Although the applicant has submitted a business plan, there is no indication of projected budgets and income or whether the market has been fully tested to demonstrate that anticipated income will materialise. There is presently no sign on site of the proposed business being set up, with no purpose built accommodation on the property. In my view the financial test on PPS7 has not been met and consequently there is no essential need for the proposed mobile home on the site.

RECOMMENDATION

Permission be REFUSED on the grounds that the site is in open countryside where it is the policy of the Local Planning Authority to resist new residential development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority, the proposal does not constitute a genuine agricultural or other appropriate need and would be contrary to Central Government advice contained in PPS7, Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies S8 and H14 of the Taunton Deane Local Plan.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES: