

46/2004/039

MICHAEL & LESLEY COSTER

CONTINUED USE OF LAND TO SITE MOBILE HOME, TREES FARM, BLACKMOOR, WEST BUCKLAND AS AMPLIFIED BY LETTER DATED 24TH JANUARY, 2005

17206/17669

FULL PERMISSION

PROPOSAL

The proposal provides for the continued use of land at Trees Farm for the siting of a mobile home to accommodate an agricultural worker. There have been two previous temporary planning permissions for similar proposals in 1998 and 2002, the latter allowed on appeal. These permissions were to the two previous owners of the holding. The current applicants had no involvement with the property at the time of these previous permissions. The holding extends to 15 acres and has limited buildings at present, although there is permission for additional ones. The applicants intend to establish outdoor weaner production, weaner rearing and fattening unit. The applicants have begun stocking the land and currently have around 10 sows and their progeny. When fully stocked, the holding will support 53 sows, although the applicants are looking to purchase additional land which would mean that this number could be increased. The holding will be run and managed by the applicants. An agricultural appraisal was submitted with the application. This states that the business plan indicates that the holding is capable of becoming financially viable within the timescales advised in PPS7. In the longer term, the applicants propose to provide a cutting plant and packaging unit on the holding in order to sell direct to the consumer, which will provide a more sustainable income. The appraisal considers that the success of the proposed farming system relies heavily on the successful breeding and rearing of livestock and that all year round farrowing requires someone to be on hand day and night 365 days a year. The welfare of the animals requires essential care at short notice.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY although there is no objection in principal, the existing access is sub-standard. The required visibility is 2 m x 33 m, which could probably be obtained by relocating the access to the south. ENVIRONMENT AGENCY no comments to make. WESSEX WATER unable to ascertain whether there is any Wessex Water infrastructure crossing the site. If there is diversion or protection works may need to be agreed. Any connections to Wessex Water apparatus will need to be agreed with them. SOMERSET ENVIRONMENTAL RECORDS CENTRE Gortnell Common County Wildlife Site at site. Other County Wildlife Sites, County Geological Sites, Sites of Special Scientific Interest, badgers and legally protected species within 1 km of the site.

WILDLIFE SPECIES CO-ORDINATOR as the application site is within a County Wildlife Site, strongly recommend that a wildlife survey is undertaken prior to determination to

establish any potential loss of habitat/species. RIGHTS OF WAY OFFICER no comments to make. ENVIRONMENTAL HEALTH OFFICER no observations to make. DRAINAGE OFFICER no comments to make.

PARISH COUNCIL recommend refusal - pollution created by the proposed development can enter the spring providing the only water supply for Perry House and Perry Farm; no provision for the storage of slurry generated by the fattening unit and would not be possible to manage the unit as described and dispose of all the slurry on the unit; concerns about the septic tank and its effluent; parts of the appraisal unrealistic - feed costs too low, vet's costs too low, price received for weaners optimistic, other livestock expense is low, the number of weaners sold per sow is too high and there are no machinery or contractor's costs shown even though slurry has to be disposed of; TDBC should obtain an independent appraisal; outdoor pigs would have a detrimental effect on the County Wildlife site; although farm is indicated as extending to 15 acres, usable area is much less than this; question ownership boundaries; concern at stability of roadside bank; if approved request conditions that if pig enterprise ceases within the period granted the mobile home shall be removed, control of light pollution and sound proofing of generator.

TWO LETTERS OF OBJECTION previous approval on appeal was misguided with consequent incessant noise of dogs barking, a very noisy generator and concern about pollution of water supply; notwithstanding this current owners have liaised with the Parish Council, taken steps to ensure generator is no longer audible, have tidied the site and appear to be good neighbours as they develop the site; still concern at effect on spring water; additional lights if more units are built to house an expanding business, existing lights stand out on the skyline and are visible for miles around in an area where no other lights exists; query over extent of land ownership; parts of land is environmentally very rich and so wet that no agricultural activity could be carried out without massive environmental damage and excessive erosion; effect on County Wildlife Site; query about animal capacity of the holding; the farm budget performance data is on the optimistic side bearing in mind the very high wear and tear of outside pig production on sharp flint stone ground; miscellaneous costs for the overhead costs are low and there is no indication of mechanism costs and depreciation; understand that ADAS consider a residence on site is by no means essential for an outside farrowing system, there are many such enterprises operating with no residences on site many being located locally, this is also the case for fattening pigs; an independent assessment by an ADAS pig consultant is essential if the appraisal is to be critically assessed.

POLICY CONTEXT

Annex I of PPS7 sets out the context against which planning applications such as this should be considered. This requires that there should be an essential need for a person to live on site for most of the time. The advice also states that for the first three years of a new farming activity, the residential accommodation should be in the form of temporary accommodation.

Policy STR6 of the County Structure Plan 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 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. These criteria include that it is for the purpose of agriculture, it is necessary to meet a requirement of environmental or other legislation and that it supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement. It is considered that the proposal satisfies these criteria. Policy H14 states that dwellings for agriculture or forestry workers will be permitted outside the limits of settlements provided there is a proven functional need for the dwelling there and the farm or forestry unit for which it is sought is proven to be financially viable.

ASSESSMENT

I have commissioned a further agricultural appraisal. This concludes that there is an intention and ability to develop the enterprise concerned and that there is a functional need to be resident on the holding. Its writer considers that in the competitive market conditions that are present today, every attempt must be made to gain a competitive advantage over others in the same industry. This requires that the maximum numbers of piglets reared per sow must be achieved and problems and emergency situations kept to an absolute minimum. This cannot be done if there is no resident person on site and there are long periods where the stock is unattended. The writer is happy that the farm will accommodate the numbers proposed when the additional buildings have been provided.

It is understood that there has been pollution to the spring water of a nearby property in the past. The applicants have indicated that they understand that the water has not been contaminated for the last 2 years and that there is considerable incidence of fly tipping which is more likely to be the cause. The applicants intend to contain slurry and recycle it as fertilizer in polytunnels for growing crops. Any surplus will be disposed of in accordance with DEFRA guidelines. There is a normal septic tank which is emptied as required. The applicants indicate their intention to install a bulk container and buy feed in bulk loose quantities; the vet is only consulted in extreme cases; pig and pork prices are rising; and do not envisage using outside contractors. The applicants consider that pigs can have a positive effect on land, particularly woodland, by unearthing long buried seeds thus regenerating the natural habitat for flora and fauna. As responsible farmers, they want to manage the land sympathetically having due regard for the natural wildlife. Land left unused, unmanaged and neglected deteriorates, damaging the habitat for local wildlife. By farming the land will be adding to the local economy. The applicants also consider that the area of usable land is sufficient to support the proposed enterprise. They also contend that the roadside bank will not be affected by whether or not there is a farming activity on the holding. I consider that these points, anyway, relate to the farming activities on the land, which are not the subject of the current application, which relates to the provision of residential accommodation on the holding. They state that use of outside lighting during the hours of darkness is already being kept to a minimum unless an emergency occurs and animals need attention. A new, quieter

generator has been purchased and the enclosure sound-proofed. The applicants do not have any dogs.

Given the previous planning permissions on the site, neither of which required any improvement to visibility at the access point, I consider that it would be unreasonable to require it of the current proposal. Furthermore, the provision of a new access and visibility splays would be likely to result in a detrimental impact on the character of the rural area, which is within the AONB, at this point.

Given the previous planning permissions for a mobile home at the holding and the fact that a mobile home is already on site, I do not consider that a wildlife survey is appropriate.

RECOMMENDATION

Permission be GRANTED subject to conditions of temporary permission (3 years) and agricultural tie. Note re Wessex Water infrastructure.

REASON FOR RECOMMENDATION:- It is considered that having regard to Taunton Deane Local Plan Policies S8 and H14 the proposal is considered acceptable on a temporary 3 year basis in order for the intended agricultural holding to be established.

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: