

<b>Application No:</b>	<a href="#">3/24/21/004</a>
<b>Parish</b>	Nettlecombe
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Briony Waterman
<b>Grid Ref</b>	
<b>Applicant</b>	Mr Sam Moore
<b>Proposal</b>	Erection of 1 No. temporary agricultural workers dwelling
<b>Location</b>	Land north of Beggearn Huish Manor, Washford, 304357, 139755

## Recommendation

Recommended decision: Grant

### Recommended Conditions

- 1 The building hereby permitted shall be removed and the land restored to its former condition on or before three years from the date of this decision in accordance with a scheme of work that shall be submitted to and approved by the Local Planning Authority prior to those approved works being carried out.

Reason: To ensure the building is used for agricultural purposes related to the barn on the same site.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo HTS SMPC R4 Floor Plan and elevations  
(A4) DrNo HTS SMPCC R1 Location Plan as proposed  
(A4) DrNo HTS SMPCDL R1 Location Plan as existing

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry, 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.

- 4 Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be

installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 5 Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October. Written notification of the date of the operations will be submitted to the Local Planning Authority prior to the works being undertaken. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority.

Reason: In the interests of UK protected and priority species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 6 The following will be integrated into the design of the proposal

A. Installation of 2x Schwegler No. 10 swallow nesting cups, or similar, to be erected on a main beam of the open side of the barn at a height above 3m and maintained thereafter.

B. Provision shall be made for barn owls in the form of a barn owl box, a scheme for the installation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme will be implemented and hereafter maintained.

C. 1x reptile hibernacula will be created in the retained grassland. Along the north western boundary.

Plans and photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to first use.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

- 7 Construction of the barn, granted under 3/24/21/003 shall be completed and the first batch of livestock brought to site prior to the log cabin being erected on site.

Reason: To enable the temporary dwelling to fulfil its need as an agricultural building.

- 8 Prior to the log cabin being brought to site a review of the condition of the land should be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure after the three year permission has expired the land can be returned to the current position.

### **Informative notes to applicant**

- 1 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
- 2 The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

## **Proposal**

Permission is sought for the erection of 1no. temporary agricultural workers dwelling.

The temporary building complies with the regulations of the Caravan Act to be regarded as a mobile home. It is to be constructed in timber boarding with double Roman tiles. It will measure approximately 20m x 6.2m and is to be located to the south of the hedgerow and north west of the road that runs through Beggearn Huish. Permission is sought for the temporary dwelling to support the establishment of a new farming enterprise.

## **Site Description**

The proposed site lies to the north east of the hamlet of Beggearn Huish, the field is

accessed via an existing field gate. The site is bounded by existing mature hedging and a public right of way begins to at the entrance to the site and runs through the adjacent field.

## Relevant Planning History

3/24/21/003 - Erection of an agricultural livestock building with creation of access track from highway - awaiting determination.

## Consultation Responses

*Nettlecombe Parish Council - Objects*

- 1) Volume and expected size of traffic in our narrow lanes with an especially difficult pinch point between high walls near the entrance to site on both approaches.
- 2) Very large agricultural building compared to the small area of agricultural land and the number of animals on site at any one time. Large foot print and very high building making it visible for some distance, and from the nearby footpath.
- 3) Questions were asked about the viability of the enterprise.
- 4) There is a lot of detail about farming in the application but nothing about power supply, water supply or where the meat is to be distributed from. No details are shown of facilities to chill or butcher the meat on site. There is a large workshop but it is not clear what this is to be used for.
- 5) Dwelling is described as temporary but the application asks for a permanent residence, as the application says it is needed for caring of stock; the timescale is unclear.
- 6) It was pointed out that other applications in the area showed that once the qualifying period expired, the reason for needing the house disappeared, but the dwelling remained. Strict agricultural ties would be required.
- 7) Dwelling is bigger than many cottages.
- 8) Public footpath crossing the land will need adequate strong permanent fencing to protect walkers from inquisitive young cattle and NOT temporary electric fencing
- 9) Initially the night time noise from each batch of stressed, recently weaned young stock will be disturbing

*Highways Development Control - Standing advice*

**SCC - Ecologist - : No objection subject to conditions**

Following the original holding objection from the Ecology service and Ecological Appraisal was undertaken which recommended the following:

## **Bats**

Prior to construction above damp-proof course level a lighting design for bats is required.

## **Badgers**

Due to the potential for badgers to use the habitat on site the following informative will be attached:

- The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

## **Reptiles**

Vegetation reduced to a height of 10cm for 48 hrs in case of reptiles.

## **Biodiversity Enhancement (Net Gain)**

Installation of swallow nesting cups, barn owl box and reptile hibernacula as part of the biodiversity net gain.

*Wessex Water Authority* - No comments received

*Reading Agricultural* - An independent appraisal was commissioned and undertaken by Reading Agricultural. The report found that:

- There is an essential need for a dwelling to provide the necessary on-site supervision otherwise the establishment and proper functioning of the business will be severely affected.
- The need relates to a full time worker
- there is clear evidence that the business has been planned on a sound financial basis
- There is no alternative accommodation available either on the holding or in the locality
- This is considered to be sustainable development in a rural area.

## **Habitats Regulations Assessment**

Due to the location of the proposal it is considered that a HRA is not required.

## **Representations Received**

Five letters of objection making the following comments (summarised)

- Traffic - not suitable for lorry access steep and curving road with pinch points
- will therefore use other access going past all properties in Beggearn Huish

- increase in vehicle movements and possibility of vehicles becoming stuck
- no information on vehicle movements
- building - is very large for temporary
- nothing to explain what happens after the 3 years
- currently no buildings at all on the site
- agricultural building is large and high visible from distance
- 50m from Exmoor national park boundary
- footpath provision for permanent fencing to protect walkers is not detailed in this application.
- meatbox sales - application does not reference the arrangements for storing, butchering, packaging or selling of the meat
- little detail is given as to the construction of the dwelling and its suitability for dismantling
- the building is large does it fit the notion of a temporary agricultural dwelling.
- must be considered with application 3/24/21/003
- applies for temporary but references paragraph 79 of the NPPF for a permanent dwelling
- seek clarification of the applicants intentions to the date of removal and the return of the site to non- residential use
- large 2 bedroom bungalow extending to about 136sqm if granted occupancy should be restricted
- applicant states it is 25 acres however it is not all pasture, 3 acres of woodland accordingly only 21 acres of pasture
- road is very narrow and steep with high banks either side
- no reference of traffic to and from the site a large number of vehicle movements is involved which is dangerous given the narrow access
- application states temporary but references permanent residency
- applicants already live near the proposed business
- livestock including cattle currently use the fields with no resident worker on site
- visual impact from across the valley if a building is allowed it should be appropriate materials, sufficient screening and minimal light pollution
- no full dwellings visible in that area only rooftops etc
- Beggearn huish is unusual no new builds for a long time
- this land has only recently been separated from the farm
- whilst it is useful agricultural land i feel it is more useful as sheep/pony pasture rather than for cattle rearing with increasing irregular weather patterns
- proposed barn seems huge for 20 acres
- temporary cabin is a substantial building with all mod cons, what makes it temporary compared to non temporary?
- There are plenty of 2 bedroom accommodation available locally
- all roads are single traffic and don't generally get through traffic

Two letters of support making the following comments (Summarised):

- confirm the access into the fields is more than adequate for agricultural vehicles
- whilst the access is single lane this is common for this area of Somerset.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

### **West Somerset Local Plan to 2032**

OC1	Open Countryside development
SD1	Presumption in favour of sustainable development
EC11	Agriculture

### **Retained saved policies of the West Somerset Local Plan (2006)**

OC1	Open Countryside development
SD1	Presumption in favour of sustainable development
EC11	Agriculture

## **Determining issues and considerations**

The main considerations in determining this application is the need for an agricultural workers dwelling, the impact upon the visual amenity and highways.

### Principle

The site lies within the open countryside as such policy OC1 is considered relevant. The policy states that development is not generally appropriate and will only be permitted where such a location is essential for a rural worker engaged in agricultural employment, where permission is granted consideration would be given to this being initially made on a temporary basis. Paragraph 84 of the National Planning Policy Framework (NPPF) states that planning decisions should enable growth and expansion of all types of business in rural areas and the development of agricultural rural businesses. The proposal based on the use of a temporary dwelling to support the cattle rearing on the site is considered acceptable in principle to support a new and untested agricultural enterprise.

### Agricultural Appraisal.

The Council commissioned an independent Agricultural Appraisal to be undertaken by Reading Agricultural Consultants (RAC) in response to the number of objections raised. RAC found the proposals had changed since the application was submitted with more land being available to the applicants from April 2022 of approximately 172 acres with the potential for a further 50 acres which would increase herd capacity from 22 to around 200. The appraisal found that based on the increased numbers over the three year period the holding would be treated as a full time holding to support a full time employee. The report concludes that based on the increase in land and herd sizes the size of the barn is appropriate and based on the evidence submitted and informed expansion plan it is considered that there would be an essential need for on-site accommodation for one key worker in accordance with the PPG and Local Plan Policy OC1.

### Viability

The application is accompanied by an agricultural appraisal prepared by Acorus, a recognised agricultural consultancy, setting out their clients functional and economic need for a new dwelling in association with the animal welfare of the new farming business they are seeking to establish. The dwelling would be a superior log cabin style dwelling, initially on a temporary three year period, to provide opportunity for the applicants to demonstrate a viable agricultural enterprise, in accordance with Policy OC1. This is accepted by your officers.

### Highways

Within the planning statement the agent details the traffic movements and after seeking clarification on the meatboxing elements of the proposal it was confirmed that there would be no daily visitors to the site with the butchering, cutting, packaging and sorting being done off site and returned for wholesale distribution.

Whilst the lanes surrounding the site are narrow the existing agricultural vehicular access provides good visibility for exiting traffic and the proposed yard area will be sufficient to ensure vehicles are able to park and turn and exit the site in a forward direction. There are no alterations proposed to the existing entrance and a consolidated track will run from east to west which will be porous to allow for surface water to soak away into the field. The proposal is therefore considered not to have a significant impact upon the highway network.

### Impact on visual amenity

The proposed temporary building is a single storey log cabin with a tiled roof which satisfies the legislation under the Caravan Act in terms of size, and ability to be moved/dismantled.

The land slopes away towards the Washford River and is well screened from the north west by the existing tree and hedges, likewise the views towards the site from

Beggearn Huish will be interrupted by the existing trees and hedging it is therefore considered that due to the location, the use of materials and the natural landscaping that would be no significantly adverse impact upon the visual amenity of the area.

## Comments

Comments received from the Parish Council can be broken down into the following sections.

1. Traffic - concerns over the lanes and volume and size of the traffic, no objections have been raised by the Highway Authority over the establishment of a farming business based in this location given that the site will be accessed via an existing field gate.
2. Agricultural building - this comments cannot be considered with this application for the temporary building although it is noted the applications are linked
3. Viability - covered above
4. Details - the provision of water is not a material planning consideration in relation to the meat box business that has been covered above.
5. Temporary nature - the application is for a temporary building, conditions have been included reiterating the use as temporary for those employed in agriculture.

## Conclusion

It is recommended that planning permission be granted based on the positive assessment from Reading Agricultural Consultants who were appointed by the Local Planning Authority and the provision within policy for a temporary agricultural workers dwelling. The access is considered acceptable and there is not a significant impact upon the landscape amenity of the area.

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



