

Application:	<b>2013/0376/FUL</b>	<b>ITEM 7</b>	
Proposal:	<b>Construction of a detached two storey agricultural dwelling.</b>		
Address:	<b>Cosy Dub Farm, Braunston Road, Brooke</b>		
Applicant:	<b>Mrs M Goulding</b>	Parish	<b>BROOKE</b>
Agent:	<b>Mr Spencer Warren, Heaton Planning Limited</b>	Ward	<b>Braunston &amp; Belton</b>
Reason for presenting to Committee:	<b>Appeal History</b>		
Date of Committee:	<b>3 February 2015</b>		

## EXECUTIVE SUMMARY

**The temporary dwelling on this site was allowed on appeal and that permission has now expired. The proposed permanent agricultural dwelling is located in open countryside and is not considered to fulfil the accepted criteria for such proposals. The advice from the Agricultural Consultant is that the unit is not full time and does not have audited accounts to demonstrate income levels or its ability to support a full time worker and the cost of the house.**

## RECOMMENDATION

**REFUSAL**, for the following reasons:

1. There is insufficient supporting justification, in terms of a full time functional requirement and the ability of the unit to sustain the cost of a new rural dwelling in this location. As such the erection of a new dwelling on this site would result in an unwarranted dwelling in a prominent location in an unsustainable location in open countryside which would be contrary to Policy CS4 of the Rutland Core Strategy (2011), policy SP6 and Appendix 1 of the Site Allocations and Policies DPD (2014) and the advice in Para 55 of the National Planning Policy Framework.

## Site & Surroundings

1. The site is located on the north east side of Braunston Road approximately half a mile from the edge of Braunston village, categorised as a Restraint village in the Core Strategy (2011).
2. The land slopes down from the access in a south easterly direction. The site extends to approximately 5 hectares, across the brook and then in an L shape. It comprises a modern barn near the access and a small temporary wooden dwelling that was allowed on appeal in 2009 for a temporary period of 3 years. Poultry units and pig pens are also on site, separated in paddocks between the barn and bridleway at the bottom of the hill.
3. The applicants business comprises mainly Alpaca's, pigs and poultry with a growing area and small polytunnel.

## Proposal

4. The proposal is to erect a 2 storey, 2 bed dwelling built primarily of straw bales with exterior timber cladding. It would also have wooden roof material and grey water

recycling. A Solar Thermal and Solar PV system is also proposed. The drawing indicates that the overall internal floor area would be 133.5m<sup>2</sup> (1437ft<sup>2</sup>). The dwelling would be located in the place of the temporary dwelling, to the south east of the barn. Details are shown in **APPENDIX 1**.

## Relevant Planning History

Application	Description	Decision
2008/0337	Erection of Temporary Agricultural dwelling	Refused – Allowed on appeal May 2009.

## Planning Guidance and Policy

### National Planning Policy Framework

Para 55 Rural Dwellings:

'Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as (inter alia):

- The essential need for a rural worker to live permanently at or near their place of work in the countryside.'

### The Rutland Core Strategy

CS3 – Settlement Hierarchy – Braunston and Brooke are both Restraint Villages.

CS4 – Location of Development:

'Development in the Countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs'

CS19 - Design

### Site Allocations and Policies DPD (2014)

Policy SP6(2) – Housing in the Countryside (to meet essential operational needs).

Policy SP15 – Design & Amenity

Appendix 1 – Agricultural, Forestry and Other Occupational Dwellings. See extract at **APPENDIX 2**.

## Consultations

5. Environmental Health  
I am satisfied there are no environmental health issues I need to draw to the attention of the Planning Authority.
6. Anglian Water  
No objection
7. Brooke Parish Meeting  
With reference to the above planning application I have not received any adverse comments and have no reason to oppose the application.

## Neighbour Representations

8. 3 letters of support have been received from residents of Oakham

9. 134 Braunston Rd Oakham:

I have been a customer of Cosy Dub Farm for approximately 2 years. During that time I have purchased free range eggs, pork products such as sausages, bacon and joints of meat. I feel it is important to support small farming ventures to support the rural community. I have to admit that I much prefer to eat meat that has come from a happier animal that has been reared in a natural environment. I feel that a house such as the one submitted in the plans would in fact enhance the site and not detract from it.

10. 10 Kilburn End:

I write in connection with the above application to give my unreserved support. I have known the applicant for a number of years now and have found her to be hardworking and diligent. I understand it has been a lifelong goal for both Maria and Neil to own their own smallholding and produce their own food in a natural environment for both their own consumption and to sell to the wider public. They are currently on track with this with the free-range rare breed pigs and the free-range hens. The produce is excellent, with some real flavour to it, a far cry from the intensively farmed supermarket offerings. However not one to be complacent Maria will always look to the future and take advantage of opportunities as they come along to diversify or expand. Being someone who cares deeply about the environment she will diligently research new ideas and greener methods (such as renewable energy etc) to establish their feasibility within her own businesses and she has incorporated this thinking in the design and construction of her proposed house, which most of us would have shied away from however green we may think we are! The proposed house will vastly improve the aesthetics of the site and give it some life and purpose and it will blend in well with its surroundings the current living accommodation is wanting to say the least and I admire the dedication and fortitude of Maria and Neil in pursuing their goal. I believe that the local population and their councils should support such projects wholeheartedly. In these hard economic times, where people demonstrate a genuine interest in the rural economy and effectively change their entire way of life to support themselves and provide quality food products for the general public, encouragement is required. I urge the Council to approve the application.

11. Flat 7, 91 West Rd:

We wish to show our support for this landowner's application as we feel it would benefit their future business as well as maintaining a cottage industry within Rutland. I buy all my pork products from Maria as the service she provides is fantastic. It is reassuring to know not only is this produce locally produced it is also supporting our local community.

12. Sanham Agricultural Planning

See letters in exempt papers at **APPENDIX 3**, together with the applicants/agents responses. A list of current stock and other information is also included in that Appendix. This information is considered to be exempt under the provisions of Schedule 12A of the Local Government Act 1972, and as the responses from the

consultant are chronologically linked with the exempt information, they have been included in that Appendix too.

## Planning Assessment

13. The main issue is whether the farm has performed sufficiently over the period of the temporary dwelling to be in a position to justify and sustain the cost of a permanent dwelling.
14. The previous application for a temporary dwelling was refused but allowed on appeal. A copy of the appeal decision is at **APPENDIX 4**.
15. The test is set out in Para 55 of the NPPF and Appendix 1 to the Site Allocations and Policies DPD , the latter of which is similar to the previous advice in Annexe A to the former PPS 7.
16. Members will see from the Consultants advice that there is estimated to be a labour requirement of only 0.4 of a full time person on the holding. This is countered by the applicant's agent explaining that the business is more labour intensive than standard man-day figures might suggest. The applicant has submitted a document entitled "Small is Successful – Creating sustainable Livelihoods on less than 10 acres". This contains case studies of smallholders who make a living but not a significant profit on small areas of land.
17. The Consultant advises that the business has not been able to produce audited accounts for any of the interim period and that it is this period that should be assessed, not what the applicant might do in the future to bring in more income, that is the purpose of assessing a temporary dwelling.
18. The early accounts that have been produced are hand written and show a significant loss for 2009/10, another loss in 2010/11 and a profit in 2011/12, mainly from Alpacas, with similar results expected for 2012/13, although no details of these have been submitted. A profit was made in 2013/14.
19. The applicants web sites (for the farm and the Alpacas) were both down for a considerable period in 2013 but were back on line in February 2014. The applicant's husband works in a supermarket elsewhere.
20. The Consultant points to a recent appeal decision at an equestrian enterprise at Whissendine. In that case, the Inspector (in acknowledging common ground that there was a functional need for at least 1 full time person on site) stated:

*13. In terms of the submitted financial information, I have reservations about its robustness. The appellant told me that considerable investments have been made for a significant length of time. Yet, there is no documentary information to show the financial viability of the enterprise. No audited or certified accounts for the past two or three years were submitted. I was told that during the economic downturn the business has been affected overseas, but details of operating costs and profitability have not been submitted. Therefore, comparisons cannot be made and it is difficult to evaluate the sustainability of the enterprise. The council may not have formally requested this type of information, but it is for the appellant to make his own case out.*

*14. A document was submitted with the planning application which outlines turnover, gross profit, overheads, and earnings before interest, taxation, depreciation and amortisation for the family's enterprises. Though helpful, even this information lacks sufficient clarity. For example, there are eight local people employed; six full-time including the appellant, his wife and two daughters, and two part-time workers. However, there is no information to show that the enterprise can sustain the minimum agricultural wage for the full-time workers. Additionally, the information does not include details of business expenses. The evidence seemed to undermine the appellant's assertion that the enterprise is financially sound.*

*15. There is no evidence to show the potential costs for the construction of the new dwelling. A letter of support from the bank manager was submitted, but that does not include any details of potential loans for the construction of the new dwelling, which incidentally, would need to be repaid. Therefore, the submitted evidence does not show that the business would be capable of supporting the construction of a new dwelling and sustaining it in the longer-term.*

*16. Accordingly, the development would fail to comply with CS Policy 4, because there is no agricultural or other rural justification for the new dwelling in this countryside location. The scheme would conflict with LP Policy EN26 (i), because the evidence does not show that the dwelling would be essential to the efficient operation of the rural enterprise. Additionally, the proposal would conflict with advice contained in paragraphs 14, 17 and 55 to the Framework, because the development would be unsustainable and unjustified.*

21. On that basis the lack of supporting information in the current case would appear to clearly fall short of even the justification submitted at Whissendine.
22. It appears that the business is not full time and does not have the capacity to sustain the cost of a dwelling, particularly when a standard agricultural wage is taken out of the profits. However the applicant claims that the cost of the dwelling, due to its construction and help to be provided from friends and family to construct it will mean that it is not particularly expensive.
23. The previous appeal was allowed, to some extent surprisingly, and there will no doubt be another appeal in the event that this proposal is refused.
24. On the above basis it does not meet the tests set out in the NPPF or Policy SP6 and Appendix 1 to the Submission Site Allocations and Policies DPD.
25. If members resolve to refuse permission, the issue of enforcement for the now unauthorised temporary dwelling on site will need to be considered in a separate future report which will need to consider Human Rights legislation as the removal would potentially mean making the applicants homeless.

