

© Crown copyright and database rights [2013]
Ordnance Survey [100018056]

Scale - 1:2000
Time of plot: 15:20
Date of plot: 20/01/2015



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

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

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 133.5m² (1437ft²). 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. 'Westover' (Anonymous letter from an unknown location):

I have read the detailed report with regards to the application above and have the following comments to make. The application is based upon the need for a full time worker at the farm, which the applicant claims made a profit in the last financial year

of £14-15,000. I have detailed knowledge of the applicants intentions and creative financial planning to show a profit at the farm. Income is derived from a combination of horse liveryes, part time cleaning work, rent from two properties owned in Nottingham and wages from a partner working for one of the large supermarket chains. The farm itself provides very little income (less than 4,000 turnover) and minimal profits. The applicants original intention was to buy the land and live in a caravan within the barn on the site. However this was noticed by local residents and objections were made (I believe the land has a covenant preventing static caravans or mobile homes). A planning application was subsequently made for a temporary dwelling (hut) to enable the applicant to live on the land to assist in her intended farm work. What the applicant actually intended and still does was to create a situation which appears that she is running a profitable farm but in actual fact this is simply a smoke screen to try and get planning permission to build a property. If planning permission is granted the farming activities will reduce to a minimal level. The applicant knows that if her case is studied carefully it is unlikely to be successful as indicated by her immediate removal of the planning (site) notice outside of the property, within minutes of it being erected. The Inland Revenue will also be able to confirm that accounts showing profits of £15,000 in respect of the farm do not exist.

13. 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

14. 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.
15. The previous application for a temporary dwelling was refused but allowed on appeal. A copy of the appeal decision is at **APPENDIX 4**.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. 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.

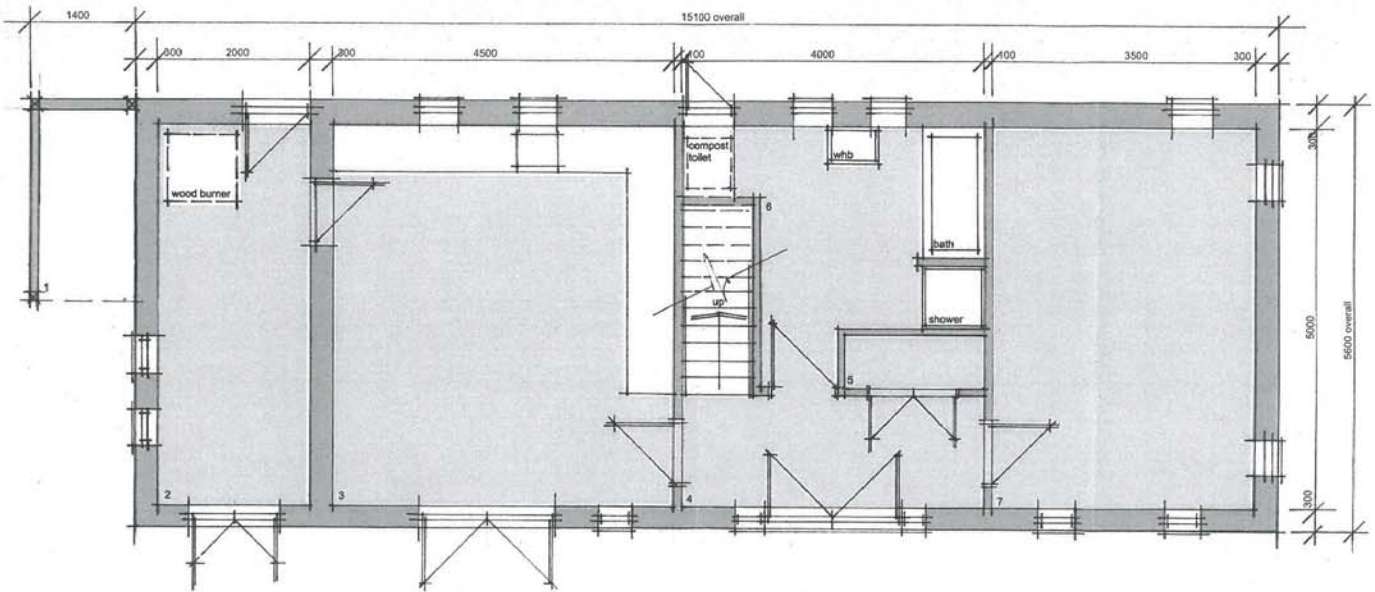
22. On that basis the lack of supporting information in the current case would appear to clearly fall short of even the justification submitted at Whissendine.
23. It appears that the business is not full time and does not have the capacity to sustain the cost of a dwelling, particularly when a standard 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.
24. 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.
25. 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.
26. 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.



Proposed Dwelling
Cosy Dub Farm, Brooke Road, Brooke.
Block Plan 1:200@A3



RECEIVED
26 APR 2013
PLANNING SUPPORT

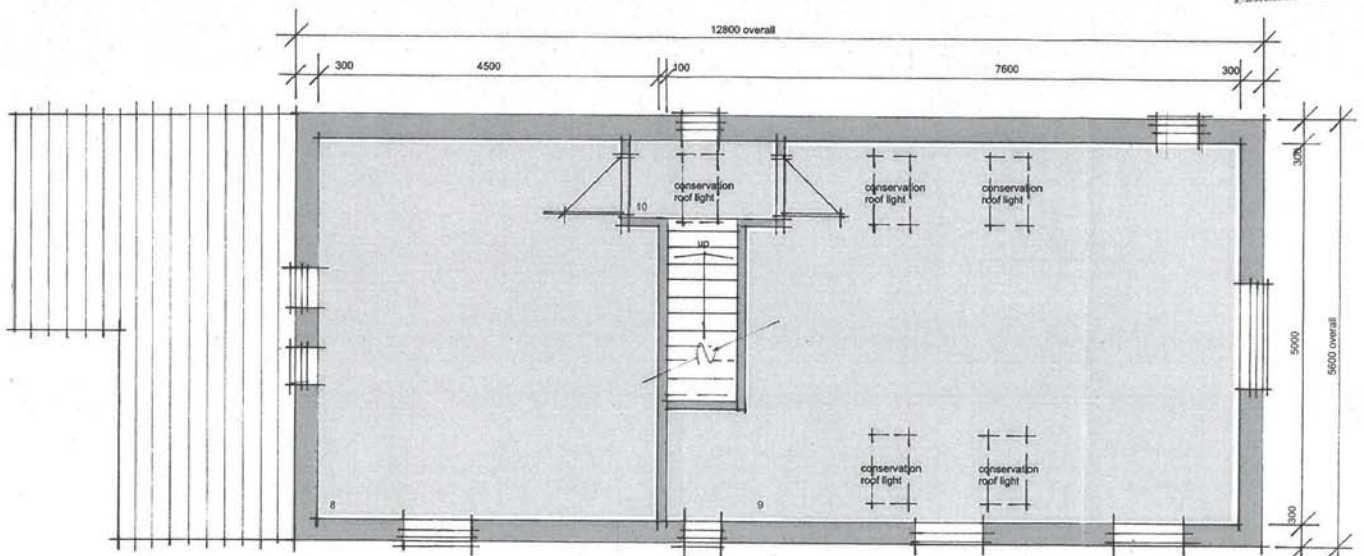


- 1 Log store
 - 2 Utility
 - 3 Kitchen
 - 4 Entrance hall
 - 5 Cupboard
 - 6 Bathroom
 - 7 Master bedroom
- Internal floor area 14.5 m x 5.0m = 72.5 sq m (780 sq ft)
Overall internal floor area = 61 sq m + 72.5 sq m = 133.5 sq m (1437 sq ft)

Proposed Dwelling
Cosy Dub Farm, Brooke Road, Brooke.
Ground Floor Plan 1:50@A3

2013/0376

RECEIVED
26 APR 2013
PLANNING SUPPORT

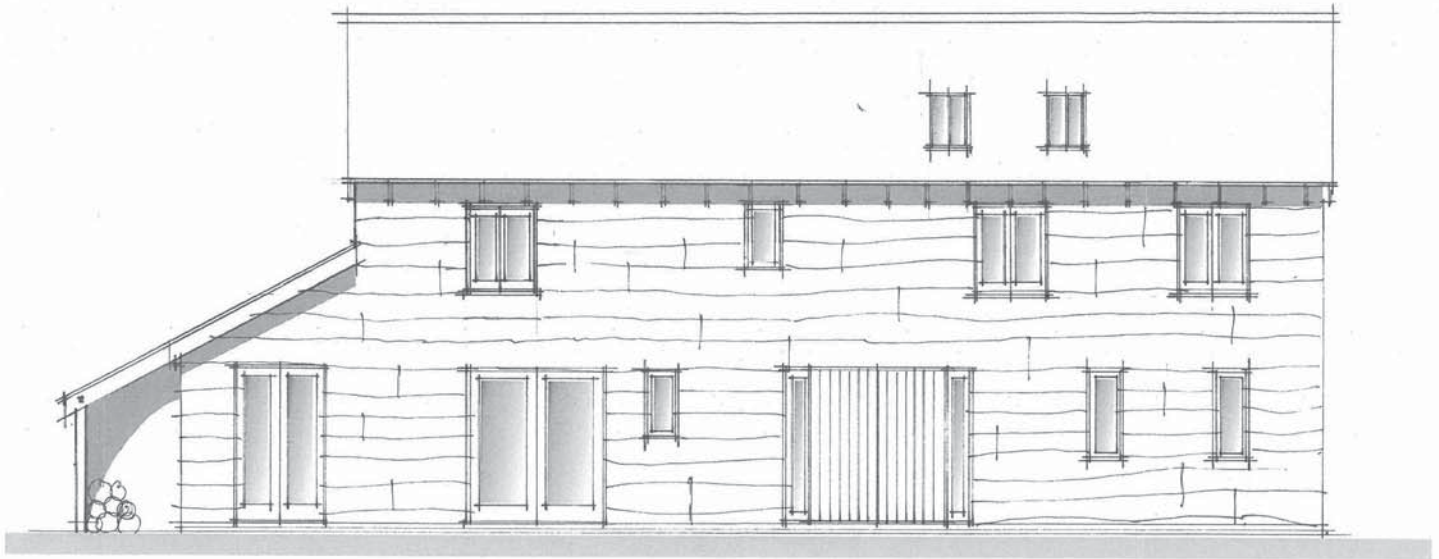


- 8 Bedroom
 - 9 Living
 - 10 Landing
- Internal floor area 12.2 m x 5.0m = 61 sq m (657 sq ft)
Overall internal floor area = 61 sq m + 72.5 sq m = 133.5 sq m (1437 sq ft)

Proposed Dwelling
Cosy Dub Farm, Brooke Road, Brooke.
First Floor Plan 1:50@A3

2013/0376

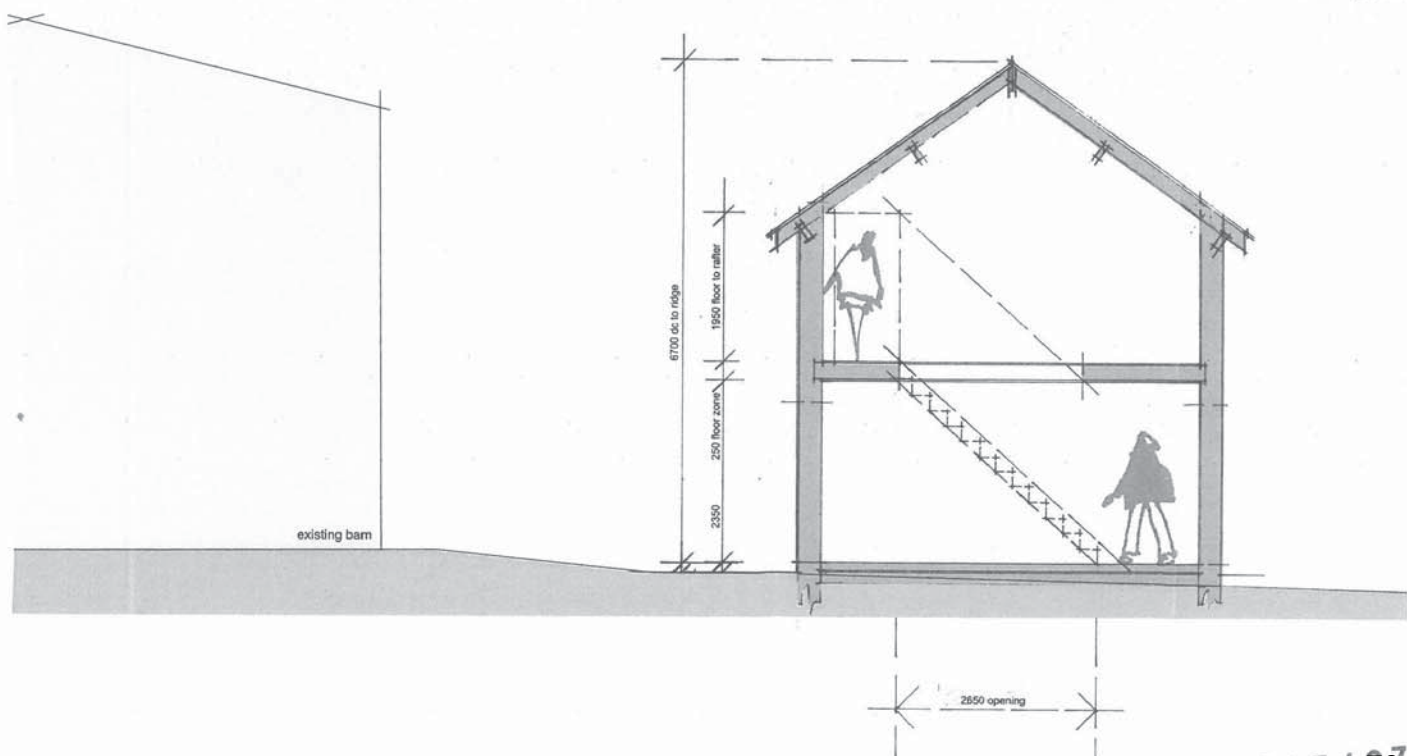
RECEIVED
26 APR 2013
PLANNING SUPPORT



Proposed Dwelling
Cosy Dub Farm, Brooke Road, Brooke.
Elevation to the farm 1:50@A3

2013/0376

RECEIVED
26 APR 2013
PLANNING SUPPORT



Proposed Dwelling
Cosy Dub Farm, Brooke Road, Brooke.
Section through proposed dwelling 1:50@A3

2013/0376

SAPDPD Appendix 1 Extract:

Appendix 1 – Agricultural, forestry and other occupational dwellings

1. The National Planning Policy Framework (NPPF) makes 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 may be justified is when accommodation is required to enable agricultural, forestry or other full-time workers employed at an established enterprise requiring a rural location to live to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and 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. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

2. It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.

Permanent agricultural dwellings

3. New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing: i) there is a clearly established existing functional need (see paragraph 4 below);
 ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
 iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (see paragraph 8 below);
 iv) 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
 v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

4. 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 times. Such a requirement might arise, for example, if workers are needed to be on hand day and night: i) in case animals or agricultural processes require essential care at short notice;
 ii) 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.

Site Allocations and Policies DPD – Proposed Submission Document April 2013 66

5. In cases where the Council is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.
6. The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.
7. If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.
8. New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (see paragraph 3(iii) above) the Council will take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.
9. Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.
10. The Council may consider making planning permissions subject to conditions removing some of the permitted development rights under part 1 of the Town and Country Planning (General Permitted Development) Order 1995 for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use, given the income that the agricultural unit can sustain.
11. Agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings, or other dwellings.



Appeal Decision

Hearing held on 20 May 2009

Site visit made on 20 May 2009

by **Andrew Jeyes** BSc DipTP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
28 May 2009

Appeal Ref: APP/A2470/A/09/2096081

Cosy Dub Farm, Wood Lane, Braunston in Rutland, Oakham, Rutland LE15 8QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Maria Goulding against the decision of Rutland Council.
- The application Ref FUL/2008/0337/NH, dated 1 April 2008, was refused by notice dated 24 December 2008.
- The development proposed is the construction of temporary residential development.

Decision

1. I allow the appeal, and grant planning permission for the construction of temporary residential development at Cosy Dub Farm, Wood Lane, Braunston in Rutland, Oakham, Rutland LE15 8QZ in accordance with the terms of the application, Ref FUL/2008/0337/NH, dated 1 April 2008, and the plans submitted with it, subject to the following conditions:-
 - 1) The log cabin 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 to be submitted to and approved in writing by the local planning authority.
 - 2) The occupation of the log cabin shall be limited to a person solely or mainly working in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.
 - 3) No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposals for the future maintenance of the hedge forming the Cosy Dub Farm frontage to Wood Lane.
 - 4) No development shall take place until details of the design and materials to be used in the construction of the log cabin hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matter

2. The business plans submitted with the application referred to Merrybrook and Merrybrook Farm on Wood Lane. This was the initial name of the holding, but has now been changed to Cosy Dub Farm.

Main Issue

3. I consider the main issue to be whether the proposal would harm the objectives of national and local planning policies that seek to protect the countryside.

Reasons

Background

4. The appeal site is part of a small agricultural holding of some 6.39 hectares located in open countryside to the south of Braunston in Rutland. The land is 'L' shaped sloping up along Wood Lane from a small stream. Substantial hedges surround the field adjacent to Wood Lane and a public bridleway crosses the site and runs parallel with the stream. There is a modern barn on the site, subdivided into animal pens and with sheds within it and a number of pig arks, animal shelters and hen houses across the land. A small polytunnel was in use for growing-on bedding plants and there was a small area of vegetable production. There were around 120 laying hens, 17 pigs and 5 pregnant alpacas together with 6 horses, two of which were only in temporary residence, on the site at the time of my visit.
5. The proposal is to site a temporary log cabin of some six metres square and no more than three metres high adjacent to the existing barn utilising the more southerly of the two existing accesses. The log cabin would be a temporary home for the appellant to enable her to establish her alpaca and general farming business on the site.

Agricultural Justification

6. National guidance is set out in Planning Policy Statement 7: *Sustainable Development in Rural Areas* [PPS7], which seeks to protect the countryside from encroachment. In particular, it states that new housing in areas away from established settlements should be strictly controlled. One exception is the provision of dwellings necessary for agriculture where it is essential for a worker to live permanently on or near the site. Annex A to PPS7 indicates that for a new enterprise, any dwelling should be of a temporary nature for the first three years and should meet both a functional and financial test, as well as satisfying other planning requirements such as impact on the countryside.
7. National guidance is reflected in saved Policy EN26 of the Rutland Local Plan 2001 [LP], which restricts housing development outside of existing settlements unless it is essential for the efficient operation of agriculture.
8. The first test in Annex A of PPS7 relates to clear evidence of a firm intention and ability to develop the enterprise. The appellant started work on the land in January 2007 whilst in full time employment. Mrs Goulding subsequently reduced her working hours to a four-day week in 2008 and to a three-day week this year. She anticipates leaving her current employment to work full-time on the holding from the end of this year. The enterprise has been developed on this part-time basis to the extent that I viewed on site. There has been significant investment in acquisition of the land, the erection of fencing and other small structures and the purchase of stock, including £25,000 for the five pregnant alpacas earlier this year.
9. Business plans indicating a three-year development programme for both the alpaca herd and other aspects of the enterprise have been submitted, showing how the enterprise is anticipated to grow and outlining the development of sales, marketing and added value aspects. These plans, together with the significant investment

- that has taken place indicate to me a firm intention and ability to develop the enterprise.
10. The second test relates to a functional need as to whether it is essential to have a worker readily available at most times. Alpacas are induced ovulators and therefore do not have a specific breeding season. The length of a pregnancy can vary between 10½ and 13 months, so that the date of birthing cannot be predicted. After birth, young alpacas [cria] require close attention because of common problems that require rapid intervention. As well as the alpacas, there are rare breed pigs producing up to six litters per year that require attention and the laying hens that require housing at dusk every night. The alpaca herd and other stock on the site also represent a considerable investment that requires security in the form of a permanent presence on site.
 11. The Council were concerned that the labour required on the farm at present was less than full time, although this is disputed by the appellant because of her farming methodology. In my view, the level of activity has to be judged against the enterprise, with the working methodology used at Cosy Dub Farm giving rise to a higher labour demand than the notional number of hours relied upon by the Council.
 12. In relation to the fourth test, there is no other dwelling on the site and the existing modern barn is required for the enterprise and would not be suitable for conversion. Mrs Goulding currently lives a 50-minute drive from the holding, which I regard as being too far away to provide effective husbandry. The appellant has not considered the use of other dwellings that may be available in the vicinity because she considers it essential for someone to be on the holding. There is a dwelling opposite the site at the bottom of the hill, but this would appear to be a temporary structure and is occupied and not available. Houses in Braunston in Rutland, in my view, would be too far away to provide effective care and security.
 13. Taking into account the alpaca herd, its projected growth and the other animals on the site, I consider that there is a functional need for a responsible person to be on site and available at most times to oversee the care, welfare and security of livestock on the holding.
 14. There must also be clear evidence that the enterprise has been planned on a sound financial basis. The business plan for the alpacas indicates a growth in the herd from the present five females to 19 animals within three years, with the sale of 10 animals over the same period. Within five years, the herd would be 24 and 37 at the end of ten years. Whilst there is no allowance for deaths or other problems, this programme provides a solid outline of the way forward. Income from the sale of male and female yearlings, with additional income from the sale of fleece, fleece products and, over time, some stud fees, would indicate a small profit in year 2 and a net profit in year three that is just below an agricultural wage. (11 females
4 male
 15. Similarly, the other aspects of the enterprise would also show a net profit of around the level of an agricultural wage by year three. The Council are concerned that overheads and costs have not been detailed, but an allowance of £7,000 has been made every year for such matters. Mrs Goulding indicated that her system of farming is labour intensive and does not rely heavily on the use of machinery and, taking this into account, the degree of costs allowed would appear to me to be reasonable.
 16. In addition, the Council consider that the costs do not make an allowance for the capital cost of the land and general investment in plant and machinery and does
-

not include any notional labour charges or indicate how the enterprise would fund the building of a permanent house on the site. I have already accepted the general running expenses of the enterprise. The appellant considers that the profit from the holding would be capable of funding these other matters. I consider that, although no detailed assessment was produced, based on the business plans put forward such costs could be capable of being assimilated. To my mind, there is a sound financial basis relating to a temporary agricultural dwelling on the site to enable the viability of the enterprise to be proven. I therefore consider that there is a financial basis sufficient to justify a temporary dwelling.

17. Taking into account the tests required by Annex A of PPS7 in relation to temporary agricultural dwellings, I am satisfied that a temporary dwelling on the site is justified and that the proposal would therefore comply with saved LP Policy EN26.

Effect on the Countryside

18. The site is within open countryside that is also shown on the LP proposals map to be an area of 'Particularly Attractive Countryside', wherein saved LP Policy EN 28 requires that development should not adversely affect the special character or appearance of the landscape. The proposed temporary home would be close to the existing barn and would only be seen in longer distance views of the site where the barn would form a backdrop. Views from Wood Lane where it fronts the site would be largely restricted by the existing substantial hedge, other than at the existing access that would be used. The Council's view is that if the proposal is justified on agricultural grounds then the proposed siting is suitable. For the reasons given above, I agree and consider that the proposal would comply with saved LP Policy EN 28.

Conclusions

19. I have concluded that the proposal for a temporary home is justified on agricultural terms and that the siting would not adversely affect the countryside or the landscape. For these reasons, I conclude that the proposal would not harm the objectives of national and local planning policies that seek to protect the countryside and, having taken all other matters into account, I conclude that the appeal should be allowed.

Conditions

20. I have considered the conditions submitted by the Council and those suggested at the Hearing having regard to the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. I consider that a condition requiring details of the design and materials of the log cabin to be submitted is necessary to ensure a suitable appearance in this countryside setting as is a condition relating to landscaping to ensure the setting and maintenance of roadside hedges. Guidance in PPS7 indicates that such temporary buildings allowed to enable the viability of the enterprise to be proven should be for a period of three years, so I shall impose a condition requiring the removal of the building within three years and restricting occupation to someone employed in agriculture. I do not consider that conditions relating to foul sewage and surface water disposal are necessary as these matters are otherwise regulated.

Andrew Jeyes

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr S J Warren BSc[Hons] DipTP MRTPI	Heaton Planning, 9 The Square, Keyworth, Nottingham NG12 5JT
Mrs M Goulding	The Appellant, 165 Gardendale Avenue, Clifton, Nottingham NG11 9HZ
Ms J Conway MA	Heaton Planning, 9 The Square, Keyworth, Nottingham NG12 5JT
Mt T Stables DipMan	Farrlacy Alpacas, Farrlacy, Main Road, Wood Enderby, Boston, Lincolnshire PE22 7PQ
Mr D Darlington	Farrlacy Alpacas, Farrlacy, Main Road, Wood Enderby, Boston, Lincolnshire PE22 7PQ
Mr D Morris	Windy Bank Farm, Somersal Herbert, Ashbourne, Derbyshire DE6 5PE
Mr R Jeffery	Aston House Farm, Lichfield Road, Sudbury, Ashbourne, Derbyshire DE6 5AG

FOR THE LOCAL PLANNING AUTHORITY:

Mr N J Hodgett DipTP MRTPI	Principal Planning Officer, Rutland County Council
Mr A G Coombe MRICS FAAV	Sanham Agricultural Planning Ltd, Sanham Lodge, Great Dalby Road, Kirby Bellars, Melton Mowbray, Leicestershire LE14 2TN

DOCUMENTS

- 1 List of persons attending the Hearing.
- 2 Appeal decision APP/G2713/A/08/2080523 for land at OS9246, Malton Street, Husthwaite, Thirsk, Yorkshire; submitted by the appellant.
- 3 Appeal decision APP/B3030/A/08/2090569 for Chestnut Alpaca Farm, New Lane, Girton, Newark NG23 7HY; submitted by the Council.
- 4 Saved Policy EN28 of the Rutland Local Plan 2001; submitted by the Council.