

Belmesthorpe

Green Lane Farm



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 Ordnance Survey [100018056]

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 Time of plot: 15:24
 Date of plot: 20/01/2015



Rutland County Council

Catmose,
 Oakham,
 Rutland
 LE15 6HP

Application:	2013/0470/FUL	ITEM 8	
Proposal:	Construction of log cabin to form temporary agricultural dwelling		
Address:	The Caravan, Newstead Road, Belmesthorpe		
Applicant:	Mr R Shoon	Parish	BELMESTHORPE
Agent:	William Allwood, D H Barford & Co	Ward	Ryhall & Belmsthorpe
Reason for presenting to Committee:	Appeal History		
Date of Committee:	3 February 2015		

EXECUTIVE SUMMARY

The existing temporary mobile home was allowed on appeal. The proposed agricultural dwelling is located in open countryside and is not considered to fulfil the necessary 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 permanent 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 open countryside which would be contrary to Policy CS4 of the Rutland Core Strategy (2011), Policy SP6 and Appendix 1 of the Submission Site Allocations and Polices DPD (2013) and the advice in Para 55 of the National Planning Policy Framework.

Site & Surroundings

1. The site is located on the east side of Newstead Lane and was previously part of a larger agricultural holding that has been subdivided.
2. The site is set well back off the road and is accessed by a shared track which also serves Green Lane Farm on the adjoining land. The overall main site is approximately 8.5ha in area. The applicant also now owns a further 3.3ha of land nearer Newstead Lane and 1.56ha of further land and buildings on the opposite side of Newstead Lane but this latter area is apparently an equestrian enterprise and not connected with agriculture - see **APPENDIX 1**. The site is outside the Planned Limit to Development for Belmsthorpe, as defined in the Rutland Local Plan. The land currently comprises a mobile home with timber extensions, a shed built under permitted development rights and several mobile shelters. The mobile home was allowed on appeal in June 2010 for 3 years. That permission expired in June 2013. The occupation of the currently unauthorised mobile would become lawful in June 2017 if not addressed by its removal or the granting of a new permission.
3. A public footpath runs across the centre of the main site.

Proposal

- The proposal is for a second temporary period of 3 years for a log cabin, which would replace the mobile home (caravan) to enable the enterprise to grow further. The original submission was for a permanent dwelling but the current circumstances meant that this would not be supported and the application was modified.

Relevant Planning History

Application	Description	Decision
AGRP/2009/0293	Ag Prior Notification for storage shed	Approved Jun 2009
ENF/2009/0010 - Enforcement Notice	Removal of unauthorised mobile home and metal containers	Appeal Dismissed April 2010
2009/1262	Access, siting of 2 containers and temporary siting of mobile home.	Refused – Allowed on appeal Jun 2010.

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

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.

Extract from Appendix 1 (similar advice previously contained in Appendix A to PPS 7) is attached at **APPENDIX 2**.

Consultations

5. Belmsthorpe Parish Council
No objections to temporary planning permission in this instance but note that this site is outside the boundaries of permitted development.
6. RCC Highways (Highway Safety)
No objection subject to conditions

Note to Appt: You will need to obtain a Highways Licence from Rutland County Council Highways department before any work can commence on the new access. This will require that the access is built to a standard specification and that contractors are sufficiently insured against public liability whilst operating in the highway.

7. RCC Highways (Footpaths Officer)
The proposed development is unlikely to have any significant effect on the public footpath (ref E174) running along the sites western boundary. In recent years the footpath has been completely enclosed with post and wire fences on either side. Although enclosing paths that previously crossed open fields is not something we generally like to see and requires us to undertake additional mowing (of paths that were previously grazed) the party responsible seems to have considered walkers needs. The path is nice and wide (approx 3 metres) and the grass surface is being kept short (either mown or grazed) all very encouraging. I might question how accurately the enclosed path follows the legal line of E174 but as it is being maintained in such good order this could be seen as a little pedantic. Usual planning advice applies. Please ensure that: There is no diminution in the width of the right of way available for use by members of the public. No building materials are stored on the right of way. No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way. Vehicle movements are arranged so as not to interfere with the public's use of the way. No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature. No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way. The safety of members of the public is ensured at all times.
8. National Grid
National Grid has identified that it has apparatus in the vicinity of (the site) which may be affected by the activities specified. Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.
9. Sanham Agricultural Planning

See comments and agents responses together with other financial information in exempt papers at **APPENDIX 3**. 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.

Neighbour Representations

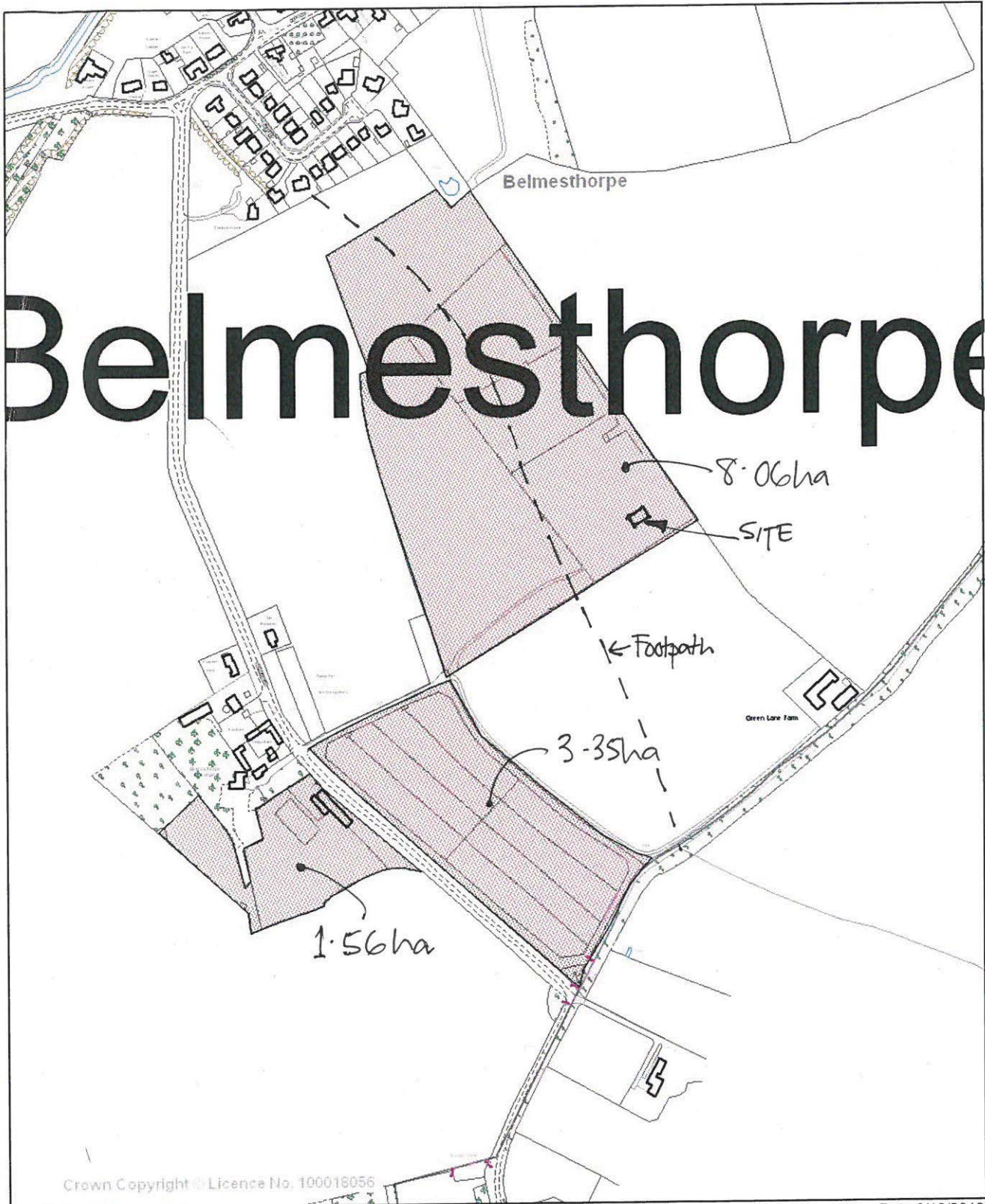
10. None

Planning Assessment

11. The main issue is whether the farm can justify an exception to the normal policy of not granting a successive 3 year temporary permission.
12. The normal tests are 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.
13. The current mobile home was allowed on a planning appeal in 2010, an Enforcement appeal having been dismissed where the Inspector found that there was no need for a dwelling. For reasons unknown, the applicant has not begun to establish the business until 2013 by which time his temporary permission had expired and he has not built up the business as the temporary permission expected him to. There is already a mobile home (caravan) on site which in theory could serve to provide the accommodation for a further 3 years, however, the application was originally submitted for a permanent permission for the new log cabin and the applicant has requested that this be allowed for a further 3 year temporary period. Members will see from the Appendices that information has been exchanged over a period of time to clarify the justification for this proposal.
14. Whilst the advice in the SAPDPD Appendix 1 (and the former PPS 7) is that a second temporary permission should not be forthcoming, members will recall granting permission for a further temporary period at the free range egg unit on Stocken Hall Road in Stretton last year. That was on an established holding which had been profitable and is considered by the Consultant to be different circumstances.
15. The applicant had a 3 year temporary permission within which to establish his business and prove a need for a permanent occupation of the site. This was not achieved for reasons set out in the correspondence. There is evidence to show that between 2010 and 2013 the applicant resided at an address in Peterborough, which he states has now been sold. He is also a Director of another non-agricultural company based in Peterborough which he states is now run by others on his behalf to enable him to concentrate on working this site.
16. In addition to the husbandry of the alpaca's, preparation and processing of fleeces to produce garments and goods is also carried out on site.
17. Your Consultants advice is that there is no proven need to a further period of 3 years and that permission should be refused, reflected in the recommendation above. This is due to the fact that the opportunity afforded by the Inspector in the 2010 appeal has not been taken to establish the business. The Inspector and your Consultant accept a functional need is established although as it is still only 'part time' it is not considered that it justifies a further permission within which the business can be established.
18. In view of the previous appeal decision, and the significant amount of information that has been submitted to justify the proposal, members need to consider carefully whether a further temporary permission would be appropriate to see if the business can establish once and for all into a full time, self sustaining unit whereby a

permanent permission could be granted in due course as there would clearly be no prospect of a 3rd temporary permission.

19. 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.



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Scale 1/5000

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Extract from Site Allocations and Policies DPD 2014 – Appendix 1

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.)

Temporary agricultural dwellings

12. If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (ii) functional need (see paragraph 4 of this Appendix);
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (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 normal planning requirements, e.g. on siting and access, are satisfied.

13. If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraph 3 above are met. The Council will make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. The Council will not normally grant successive extensions to a temporary permission over a period of more than three years, nor normally give temporary permissions in locations where they would not permit a permanent dwelling.