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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2021/0265/FUL	ITEM 1	
Proposal:	1 no. dwelling to replace previously approved mobile home		
Address:	Green Lane Farm, Newstead Road, Belmesthorpe, Rutland		
Applicant:	Mr Shaun Alexander	Parish	Ryhall Parish Council
Agent:	Mr John Hartley	Ward	Ryhall And Casterton Ward
Reason for presenting to Committee:	Chair of the Planning and Licensing Committee & Cllr D. Wilby requested that the application be referred to Planning Committee.		
Date of Committee:	24.05.2022		
Determination Date:	04.06.2021		
Agreed Extension of Time Date:	25.05.2022		

EXECUTIVE SUMMARY

The information submitted and assessed by the agricultural consultant has concluded that there is no justification for a new permanent dwelling at this time.

RECOMMENDATION

Refused for the following reason:

1. The settlement hierarchy in Rutland has been adopted to ensure that new development is located sustainably. Policy CS4 of the adopted Core Strategy strictly limits development in the countryside to that which has an essential need to be located in the countryside and restricts it to types of development that support the rural economy and meet affordable housing needs. The conversion and re-use of appropriately and suitably constructed rural buildings for residential use in the countryside is also acceptable under Policy CS4.

The information submitted with the application has not demonstrated that the business is currently sufficiently financially viable to justify a permanent dwelling of the size proposed (a four-bedroom house) on the site. It's considered that the overall size of the proposed dwelling is not commensurate with the established functional requirements of the holding. Appendix 1 of the Council's adopted Site Allocations and Policies DPD states that "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, which are relevant in determining the size of dwelling that is appropriate to a particular holding." As such the development would be contrary to Policies CS4 (The location of development), of the Adopted Core Strategy and Policies SP6 (Housing in the Countryside) of the Site Allocations Development Plan Document 2014 and paragraphs 80, of the NPPF (2021) and Planning Practice Guidance 'Housing needs of different groups' published July 2019.

Site & Surroundings

1. The application site is located alongside Newstead Road and forms part of the agricultural holding at Green Lane Farm comprised of 6.8 hectares (16.81 acres) of owned land, and

buildings, at Belmesthorpe together with an existing mobile home which is occupied by the applicant and his family. In addition to the owned land, the applicant rents 10 hectares (25 acres) of additional land on a grass keeping licence close by also in Belmesthorpe.

Proposal

2. The application seeks permission for a new permanent agricultural workers' dwelling at Green Lane Farm, Belmesthorpe.
3. The proposals includes a two storey four bedroomed dwelling (room in the roof space). The ground floor would comprise hall, kitchen, lounge, utility and snug.

Relevant Planning History

Application	Description	Decision
AGRP/2007/0871	Erection of lambing building	Approved
AGRP/2008/0130	Erect Dutch barn	Approved
AGRP/2009/0073	Erection of open-sided barn.	Approved
APP/2011/0588	Prior approval application for erection of agricultural building for housing of livestock.	Approved
APP/2012/0523	Siting of temporary mobile home to the rear (north west) of existing farm buildings.	Approved
2013/0529/AGP	Application for prior notification of agricultural proposed building.	Approved
2015/0375/AGP	Prior notification for erection of steel portal framed agricultural building for storage of forage.	Approved
2016/0017/AGP	Prior notification for the erection of a steel portal framed agricultural building for storage of animal feed.	Approved
2018/1183/AGP	Prior notification of new agricultural building	Approved
2020/0499/PNB	Change of use from Agricultural to commercial to store 3 x machines for landscaping works.	Application Withdrawn

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2021

Chapter 12 - Achieving well-designed places

Site Allocations and Policies DPD (2014)

SP5 - Built Development in the Towns and Villages

SP6 - Housing in the Countryside

SP15 - Design and Amenity

Core Strategy DPD (2011)

CS04 - The Location of Development

CS19 - Promoting Good Design

Neighbourhood Plan

Site is not within any relevant neighbourhood plan.

Planning Assessment

Principle of the use

4. The holding is stocked with 250 breeding ewes and their lambs, and 150 cattle (bulls) which are reared and finished within the existing buildings. The bulls are supplied by a third party as reared calves; are grown on and finished on contract by the applicant on an intensive indoor system. The cattle are on the holding for approximately 7-8 months. The applicant receives 50% of the sale price as his payment for rearing the cattle. It is proposed to increase the cattle numbers to 180 head in the near future.
5. The agricultural consultant appointed by the LPA assessed the submitted supporting information and has calculated using standard manday figures that the existing livestock has a standard labour requirement for one full-time person. This will increase to 1.1 full-time persons if the cattle numbers are increased to 180 head as proposed.
6. Applications for new permanent agricultural workers dwellings are currently assessed under the relevant Policies within the adopted Local Plan and the National Planning Policy Framework (the Framework) which was revised in 2021. Paragraph 80 of the Framework states "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
 - a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;"
7. The holding is currently stocked with many bulls and is currently full-time. As such there is an essential/functional need for one person to live at or near the existing buildings. Therefore, this consideration has been satisfied together with the criteria in paragraph 80(a).
8. Planning Practice Guidance 'Housing needs of different groups' published July 2019 at paragraph 010, sets out specific tests. These are:-
 - a) Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24 hours a day and where otherwise there would be a risk to human or animal health, or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)" ;-

The consultant concluded that there is an essential/functional need for one person to live at or in proximity to their place of work at Green Lane Farm, and this

essential/functional need was accepted by the Local Planning Authority when consent was granted for the siting of the existing mobile home.

- b) The degree to which there is confidence that the enterprise will remain viable for the foreseeable future; -

The consultant has reviewed the applicant's accounts for the year ending 31st March 2019 and 2020. These accounts show that the business which trades as Green Lane Farm and includes the applicant's plant and groundworks enterprise has been profitable for both years. A significant amount of the income is from the agricultural enterprise. However, it is considered that the profits from the business are not able to sustain the cost of the proposed dwelling after the cost of labour has been deducted from the profit figures.

9. In addition, the proposed dwelling is a large four-bedroom dwelling with a gross external floor area of approximately 264 square metres. The proposed dwelling is excessive in size, and it would not be commensurate with the established existing functional need. Therefore, this consideration has not been satisfied, as the cost of building the proposed dwelling could not be sustained by the existing enterprise.
10. Therefore, it is considered that there is no confidence that the enterprise would remain viable for the foreseeable future if the proposed dwelling were to be constructed. This criterion has not been satisfied and neither has the sustainability element of the Framework.
11. Whether the provision of an additional dwelling on the site is essential for the continued viability of a farming business through the farm succession process; – The proposal is not for an additional dwelling, therefore this consideration is not relevant to this application.
12. Whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate considering their scale, appearance and the local context; - There is only the existing mobile home on the holding, and therefore this consideration is not relevant to this application.
13. In the case of new enterprises, whether it is appropriate to consider granting planning permission for a temporary dwelling for a trial period; – The application is for a permanent dwelling to replace an existing temporary dwelling, therefore this consideration is not relevant to this application.
14. In summary, the Council's Agricultural Consultants Assessment has confirmed that there is no agricultural support for the proposed permanent dwelling as the build costs cannot be sustained by the existing enterprise, and it would render the enterprise financially unviable. In addition, the proposed dwelling is excessive in size, and would not be commensurate with the essential existing requirements of the agricultural enterprise.

Impact of the use on the character of the area

15. The proposed dwelling would be situated a reasonable distance from any significant public viewpoints and would not result in any significant adverse impact on the character of the surrounding landscape.

Impact on the neighbouring properties

16. None

Highway issues

17. The proposed development would not result any unacceptable impact on the highway safety and adopted parking standards.

Section 106 Heads of Terms

18. Not applicable

Crime and Disorder

19. It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

20. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.
21. It is considered that no relevant Article of that act will be breached.

Consultations

22. Public Rights of Way

Access to the proposed development is via an existing farm track that crosses public footpath E174. No details on the number of vehicle movements that the development may generate have been provided - should we assume minimal traffic? On this basis any additional risk to the public using the footpath would be negligible. No objections therefore, but the applicant should still be aware of the possible presence of walkers (and that they have right of way at the crossing point).

If permission for development is granted the applicant must ensure:

- a) There is no diminution in the width of the right of way available for use by members of the public (b) No building materials are stored on the right of way (c) No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way (d) Vehicle movements are arranged so as not to interfere with the public's use of the way (e) No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature (f) 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 (g) The safety of members of the public is ensured at all times

23. The Parish Council

Whilst we are sympathetic to this application and in theory would like to support the applicant in protecting his business and having permanent dwelling. We have viewed the comments made regarding the initial application for the sighting of the mobile home and we are not aware of any change to the statements contained in the Full Planning Permission Document, in particular:
Particulars of Decision-Part 11.

- a) The building hereby permitted shall be removed and the land restored to its former condition on or before 3 years hence , in accordance with a scheme of work previously agreed in writing by the Local Planning Authority
and
- b) The application is located in an area where new dwellings are not normally permitted.

Therefore, and in conclusion, the parish council feel we cannot support this application as it falls outside the curtilage of the village.

24. **Archaeology**

Thank you for your consultation on the above planning application.

Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 189-190).

25. **LCC Ecology**

It appears this is a part retrospective planning application; temporary solar panels have already been installed and there are proposals for an agricultural building. We have records of badger setts in the vicinity of the development and records of water vole in the watercourse. An ecology survey - to include surveys for badger and water vole - is required.

Please note that ODPM Regulations require protected species surveys to be submitted prior to determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation Statutory Obligations and their Impact within the Planning System)).

26. **Agricultural Consultant -**

5th July 2021

I refer to the information on this application received in the post, and also our recent telephone conversation when you agreed to me contacting the applicant to provide me with the stocking and cropping of the holding and explanation/clarification of certain figures within the accounts, which had been submitted with the application. I have spoken to the applicant, and I base this report on the information he subsequently supplied. I now comment as follows:-

Green Lane Farm comprises 6.8 hectares (16.81 acres) of owned land, and buildings, at Belmesthorpe together with an existing mobile home which is occupied by the applicant and his family.

In addition to the owned land the applicant rents 10 hectares (25 acres) of additional land on a grass keeping licence close by also at Belmesthorpe.

When I spoke to the applicant, he informed me that the holding is currently stocked with 250 breeding ewes and their lambs, and 150 cattle (bulls) which are reared and finished within the existing buildings. The bulls are supplied by a third party as reared calves; are grown on and finished on contract by the applicant on an intensive indoor system. The cattle are on the holding for approximately 7-8 months. The applicant receives 50% of the sale price as his payment for rearing the cattle. It is proposed to increase the cattle numbers to 180 head in the near future.

I calculate using standard manday figures from recognised sources that the existing livestock have a standard labour requirement for one full-time person. This will increase to 1.1 full-time persons if the cattle numbers are increased to 180 head as proposed.

Applications for agricultural and other rural occupational dwellings are currently assessed under the National Planning Policy Framework (the Framework) revised in July 2018, paragraph 79 of the revised Framework states "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:-

- a) There is an essential need for a rural worker, including those taking majority control of a farm business to live permanently at or near their place of work in the countryside;" – Planning Practice Guidance was also provided in July, 2019 at paragraph 010 which deals with the need for rural workers' dwellings in the countryside, and which sets out considerations which may be relevant to take into account when applying paragraph 79(a).

Paragraph 010 sets out five considerations which may be taken into account when applying paragraph 79(a) these are:-

- a) "Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land based rural enterprise (for instance where farm animals or agricultural processes require on-site attention 24 hours a day and where otherwise there would be a risk to human or animal health, or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);" – as the holding is currently stocked with a large number of bulls, and is currently full-time, I consider that there is an essential/functional need for one person to live at or near the existing buildings. Therefore, this consideration has been satisfied together with the criteria in paragraph 79(a).
- b) "The degree to which there is confidence that the enterprise will remain viable for the foreseeable future;" – I have had sight of the applicant's accounts for the year ends 31st March, 2019 and 2020; these accounts show that the business which trades as Green Lane Farm and includes the applicant's plant and ground works enterprise has been profitable for both of these years, with a significant amount of the income being from the agricultural enterprise. However, I do not consider that the profits from the business are able to sustain the cost of the proposed dwelling after the cost of labour has been deducted from the profit figures. In addition, the proposed dwelling is a large four bedroomed dwelling with a gross external floor area of approximately 264 square metres which I consider is excessive in size, and not commensurate with the established existing functional need. Therefore, this consideration has not been satisfied as the cost of building the proposed dwelling cannot be sustained by the existing enterprise.
- c) Whether the provision of an additional dwelling on the site is essential for the continued viability of a farming business through the farm succession process;" – the proposal is not for an additional dwelling, therefore this consideration is not relevant to this application.
- d) Whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context;" – there is only the existing mobile home on the holding, and therefore this consideration is not relevant to this application.
- e) "In the case of new enterprises, whether it is appropriate to consider granting planning permission for a temporary dwelling for a trial period." – the application is for a permanent dwelling to replace an existing temporary dwelling, therefore this consideration is not relevant to this application.

In conclusion, I ADVISE that there is no agricultural support for the proposed permanent dwelling as the build costs cannot be sustained by the existing enterprise, and it would render the enterprise financially unviable. In addition, the proposed dwelling is excessive in size, and would not be commensurate with the essential existing requirements of the agricultural enterprise.

I trust the above will assist you to determine this application however should you require any further information or advice on the agricultural aspects of the application would you please contact myself on 01664 813706.

Thank you for your instructions in this matter.

Yours sincerely,

A.G. Coombe MRICS FAAV
Sanham Agricultural Planning Limited

13th January 2022

I refer to your request for my additional comments on this application following receipt of the applicant's accounts for the year end 31st March 2021. I now comment as follows:-

- a) The turnover for the business has increased by £[REDACTED] over the 2020 figure.
- b) The net profit for the year has increased by over £[REDACTED] in the 2021 accounts.
- c) There is a large sum of income attributable to Coronavirus support grants. This is almost as much as the increase in net profits for the year.
- d) No depreciation has been shown on the profit and loss accounts submitted.
- e) From the accounts submitted which includes the Coronavirus support grants; I calculate that the enterprise overall is financially viable and would be capable of sustaining the cost of a modest new dwelling after the deduction of a minimum wage for Mr. Alexander.
- f) The drawing for the proposed new dwelling shows a very large four bedroomed dwelling with a gross external floor area of over 260 square metres. I calculate that even with the increase in profits for 2021 the overall enterprise would be unable to sustain the cost of such a large dwelling. Therefore the application is unable to comply with the sustainability element of the Framework, or satisfy the considerations in paragraph 010 of the Planning Practice Guidance issued in July 2019.
- g) Agricultural workers' 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, which are relevant in determining the size of dwelling that is appropriate to a particular holding.

In conclusion, I ADVISE that there is no agricultural support for the current application, as the proposed dwelling is excessive in size, and is not commensurate with the established functional requirement of the enterprise.

However, there would be agricultural support for a more modest sized dwelling providing the cost can be sustained by the enterprise carried out on this relatively small area of land.

I trust the above will assist you to determine this application.

Thank you for your further instructions in this matter.

Yours sincerely,

A.G. Coombe MRICS FAAV
Sanham Agricultural Planning Limited

8th February 2022

I refer to your recent telephone conversation when you requested I comment on Mr. Hartley's email dated 19th January 2022 with Mr. Alexander's email dated 18th January, 2022 attached regarding the above application. I now comment on Mr. Hartley's email as follows:-

a) OCCUPANCY

I note that Mr. & Mrs. Alexander have four children; however, this is a personal matter and does not affect my agricultural advice as it is the requirements of the enterprise and what the enterprise can sustain that is relevant rather than the requirements of the owner or occupier, which are relevant in determining the size of dwelling that is appropriate to a particular holding.

b) SUSTAINABLE BUILD COST

I do not doubt that Mr. Alexander often works 16 hour days, and seven days a week, this is very much the norm in farming. I also accept that he is competent in most trades, which would reduce the build cost for the dwelling. Also that he would spread the build cost over a number of years. However, agricultural workers' dwellings are required to be sustained by the agricultural enterprise, and the cost that is relevant, is the build cost of the dwelling as if it were all carried out by builders and other tradesmen as any future owner or occupier would be required to pay for the cost of the dwelling which the holding could not sustain. Furthermore, if such a large dwelling were to be constructed on the site and made the subject of an Agricultural Occupancy Condition, any future owner may be successful in claiming that the Agricultural Occupancy Condition was improperly imposed and use this as a reason to remove the Agricultural Occupancy Condition.

c) PRECEDENT

I do not consider the approval of two applications in the Local Planning Authority Area are relevant or form a legal precedent as all applications are assessed on their merits at the time.

d) FARM BUSINESS

I note the contents of this paragraph however it does not alter my previous comments, or the comments I have made above.

- e) Mr. Alexander's email dated 18th January 2022 has been read and noted, however, its contents and comments are contained in Mr. Hartley's email and have been commented on above.

In conclusion, I ADVISE that there continues to be no agricultural support for the current application, as the proposed dwelling is excessive in size, and is not commensurate with the established functional requirement of the enterprise.

I trust the above will assist you to determine this application.

Thank you for your further instructions in this matter.

Yours sincerely,

A.G. Coombe MRICS FAAV
Sanham Agricultural Planning Limited

Conclusion

27. That the application should be refused for the following reason(s):
- a) The settlement hierarchy in Rutland has been adopted to ensure that new development is located sustainably. Policy CS4 of the adopted Core Strategy strictly limits development in the countryside to that which has an essential need to be located in the countryside and restricts it to types of development that support the rural economy and meet affordable housing needs. The conversion and re-use of appropriately and suitably constructed rural buildings for residential use in the countryside is also acceptable under Policy CS4.
 - b) The information submitted with the application has not demonstrated that the business is currently sufficiently financially viable to justify a permanent dwelling of the size proposed (a four-bedroom house) on the site. It's considered that the overall size of the proposed dwelling is not commensurate with the established functional requirements of the holding. Appendix 1 of the Council's adopted Site Allocations and Policies DPD states that "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, which are relevant in determining the size of dwelling that is appropriate to a particular holding." As such the development would be contrary to Policies CS4 (The location of development), of the Adopted Core Strategy and Policies SP6 (Housing in the Countryside) of the Site Allocations Development Plan Document 2014 and paragraphs 80, of the NPPF (2021) and Planning Practice Guidance 'Housing needs of different groups' published July 2019.