Item: **07**

Reference: **11/00410/FUL**

Applicant: **Mr Jonathan Sanders**

Location: **Brascote Fields Farm Brascote Lane Newbold Verdon**

Proposal: **RETENTION OF STATIC CARAVAN FOR AGRICULTURAL PURPOSES**

Target Date: **8 August 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application is for an agricultural workers' caravan where an agricultural appraisal is required.

Application Proposal

This application seeks full planning permission for the retention of a static caravan for agricultural purposes. The caravan is positioned centrally on the site towards the southern boundary. Hard surfacing and slabs have been laid down, on which the caravan is sited. The caravan has a footprint of approximately 33 square meters and a maximum height of 3.7 metres to the ridge. A metal sheet plinth has been bolted around the base of the caravan and brick steps lead to its entrance. A butane canister provides gas to service the van and an electric generator has been sited. Water is provided from an on-site well. Internally the accommodation is subdivided into a living room, a bathroom, a kitchen and office and a double bedroom with en suite.

The applicant proposes to expand his farming enterprise over the coming years, through the breeding of goats, pigs and chickens, and the selling of their produce and off-spring.

This application follows an application for a Certificate of Lawful Existing Use for a static caravan for agricultural purposes (11/00188/CLU), which was refused as it was considered that it had not been demonstrated that the use of the caravan for agricultural purposes had operated continuously for a period of 10 years.

The Site and Surrounding Area

The site is situated at the end of an access track leading from Brascote Lane. The site has an area of 2 acres and is part of a larger agricultural field (not owned by the applicant). The site is surrounded by agricultural land and is bound by native hedgerow. A number of smaller paddocks have been created on the holding which are served by a newly laid gravel track. On entrance to the site is a hard surfaced parking area, adjacent to which is a large agricultural building, granted planning permission in 2010 (10/00330/FUL).

Technical Document submitted with application

A Design and Access Statement has been submitted with the application, this describes the site and how the operations adhere to local and national planning policy. Justification is also provided for the need of the static caravan and a business plan is included. The statement concludes that the structure is required to provide vital staff facilities to enable the operations in line with DEFRA and Health and Safety in the workplace guidelines. It states that the use complies with PPS7 as it facilitates agriculture and will ensure suitable capacity to meet the short/medium term needs of this growing business.

History:-

11/00188/CLU	Certificate of lawful existing use for a static Caravan for agricultural purposes	Refused	04.05.11
10/00183/GDO	Erection of an agricultural store	Refused	22.04.10
10/00330/FUL	Proposed agricultural building for livestock	Approved	10.08.10



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Consultations:-

No objection has been received from:-

Director of Environment and Transport (Highways)

Severn Trent Water
Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

The Council's Agricultural Appraisal Consultant has stated that the information submitted does not meet the functional or financial tests as set out in PPS7 Annex A and has therefore recommended the application for refusal.
One neighbour letter has been received in support of the application.

At the time of writing the report no comments have been received from:-

Environment Agency
Ward Members
Newbold Verdon Parish Council.

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' sets out the overarching planning policies on the delivery of sustainable development through the planning system. Paragraph 5 states that planning should facilitate and promote sustainable and inclusive patterns of rural development by protecting and enhancing the natural environment and the quality and the character of the countryside.

Planning Policy Statement 3 (PPS3): Housing sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 10 seeks to ensure that housing developments are in suitable locations.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. Paragraph 1 advises that new building development in the open countryside outside existing settlements should be strictly controlled in order to protect the countryside for its intrinsic beauty. Paragraph 10 makes it clear that isolated new dwellings in the countryside require special justification for planning permission to be granted. Further advice is provided in Annex A to PPS7. This states that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural and certain other full time workers to live at, or in the immediate vicinity of, their place of work. In assessing planning applications for new dwellings in the countryside Annex A requires a functional and financial test to be applied in order to give consideration to: the nature of the holding and the functional need/necessity for the person to live on site, having regard to the security and efficient operation of the holding, (e.g. if a worker is needed day and night to provide essential care at short notice and deal quickly with emergencies that could otherwise cause serious loss); the financial viability of the holding to sustain the worker in full time employment; the availability of suitable existing accommodation nearby. In addition, the agricultural dwelling should be of a size commensurate with the established functional requirement and be well related to existing farm buildings. Dwellings that are unusually large in relation to the needs of the unit or expensive to construct in terms of the income it can sustain in the long term should not be permitted. It is the requirements of the enterprise not those of the owner or occupier that is relevant in determining the size of the dwelling that is appropriate.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:-

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 3 directs development towards urban areas with priority being given to making the best use of previously developed land.

Local Development Framework Core Strategy 2009

None Relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development:- complements or enhances the character of the surrounding area with regard to scale, layout, mass, design and materials; has regard to the safety and security of individuals and property; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties and incorporates landscaping to a high standard.

Policy RES12 states that in assessing planning applications for dwellings required to accommodate a person employed in agriculture, consideration will be given to: the nature of the holding and the necessity for the person to live on site, having regard to the security and efficient operation of the holding; the viability of the holding to sustain the worker in full time employment; the availability of suitable alternative accommodation in the local housing market.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new development.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is important to the local economy and cannot be provided within or adjacent to

an existing settlement and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping. Policy NE12 states that proposals for development should make provision for further landscaping where appropriate. Policy NE14 requires satisfactory arrangements to be made for the disposal of foul sewage and surface water.

Supplementary Planning Guidance/Documents

The Council's Supplementary Planning Guidance on New Residential Development provides further advice in respect of layout, design etc.

Appraisal:-

The main considerations with regards to this application are the principle of residential development in the countryside, the layout and design of the dwelling and its impact on the character and appearance of the surrounding landscape and highway safety.

Principle of Development

One of the few circumstances in which isolated residential development may be justified in the countryside is when accommodation is essential to enable a full-time agricultural worker to live at their place of work and special justification can be provided in both functional and financial terms. Annex A of PPS7 states that Authorities should not normally give temporary permissions in locations where they would not permit a permanent dwelling.

The holding comprises of an area of 2 acres of land. In 2010 works commenced in order to enable livestock to be kept on the site, including the erection of a barn and small storage building. The applicant has stated that he has invested £250,000 in equipment and materials for the enterprise. On site there are 5 goats, 4 pigs, 'numerous' chickens and 1 cockerel. Information has also been provided as to how the applicant intends to develop his operation over the next three years. The applicant has stated that the caravan is required to support the agricultural operation and provide facilities for workers to shower and wash down. The applicant also considers that a bedroom is necessary to allow for 24 hour on-site care of the animals during the birthing season. However this said, the applicant has stated that the caravan will not be used as a permanent dwelling.

The static caravan applied for has a floor area of approximately 40 square meters and provides all the accommodation and facilities required for it to function as a dwelling. Accordingly, regardless of the statement by the applicant that the caravan will not be used as a permanent dwelling, by virtue of its size and the ancillary works which have taken place, the proposal submitted is not commensurate with the size/type of caravan which could be considered as ancillary to the agricultural operations on site. This proposal is therefore deemed a new dwelling in the countryside for agricultural operations, and will be appraised against the functional and financial tests of Annex A PPS7.

The Borough Council's Agricultural Appraisal Consultant has considered the information provided, and has made the following comments:-

The circumstances of the holding and the associated livestock activities described in the Design and Access Statement submitted with the application are such that the requirements for permanent residential accommodation at Brascote Fields Farm cannot be met. The scale and nature of the extant agricultural enterprise do not support a functional need for the on-site presence of a full-time worker, the enterprise has not been extant for at least three years, and there is no prospect of current profitability or financial soundness.

Were the caravan to provide temporary accommodation pending the further development of the agricultural enterprise, then again the information available does not meet the policy requirements. There is limited information on the scale and nature of the intended enterprise on which to judge the functional requirements, and no evidence relating to the sound financial planning of the enterprise.

Accordingly the proposal does not meet the policy tests for agricultural dwellings as set out in Annex A to PPS7, is contrary to central government guidance and adopted Local Plan policies that seek to protect the character and appearance of the countryside from residential development that does not have any special justification.

Design and Impact on the Countryside

The caravan is situated to the east of the existing barn, thus clustering built development on site. The buildings are set back from the nearest public vantage point, Brascote Lane, by 160 meters, and the site, surrounded by open countryside. The boundaries of the site, and those of the field separating the site from Brascote Lane comprise dense hedgerow. Accordingly, the caravan is largely screened by the established vegetation, with only slight views of the upper most part of the caravan available. Due to the contour of the land, there are no views of the proposal from Brascote lane to the west. Views of the caravan will be available from Arnold's Crescent, which is 500m to the north of the site, however as the caravan will be seen as part of a cluster of buildings and will be obscured by the intervening vegetation, it is not considered to have a detrimental impact on the openness or character of the countryside and is thus in accordance with policies BE1 and NE5 of the Local Plan.

As views of the static caravan within the landscape will be minimal, the design of the proposal is not considered to warrant refusal of the application.

Highways

The proposed dwelling would not have an adverse impact on highway safety or generate traffic to adversely affect the rural character of the area and the Highway Authority has no objection to the proposal. There is adequate private amenity space and parking provision within the site.

Conclusion

Both Central Government guidance and adopted Local Plan policies seek to protect the countryside for its own sake. An unsatisfactory agricultural appraisal has been received and the proposal has failed to pass the functional and financial tests of Annex A of PPS7. There is no special justification for the proposed dwelling in this countryside location and the application is therefore recommended for refusal.

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

1 In the opinion of the Local Planning Authority, from the information provided, there is no agricultural support for the proposed dwelling as the enterprise fails the functional and financial tests set out in Paragraphs 3, 4, 8 and 9 of Annex A to Planning Policy Statement 7. The proposal therefore represents an unwarranted and unacceptable intrusion of residential development in an unsustainable location in the countryside The proposal is therefore contrary to policies BE1, RES12 and NE5 of the adopted Hinckley & Bosworth Local Plan and to Central Government Guidance in Planning Policy Statement 1 'Delivering Sustainable Development', Planning Policy Statement 3: 'Housing' and Planning Policy Statement 7 'Sustainable Development in Rural Areas'.

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