DELEGATED REPORT

Recommendation Made: 20 April 2011

Reference:- 11/00188/CLU **Parish:- Newbold Verdon Parish Council**

Applicant:- Mr Jonathan Sanders
88 Main Street
Thronton
Coalville
Leicestershire

Location:- Brascote Fields Farm Brascote Lane Newbold Verdon Leicestershire

Proposal:- CERTIFICATE OF LAWFUL EXISTING USE FOR A STATIC CARAVAN FOR AGRICULTURAL PURPOSES

Introduction:-

This is an application for a Certificate of Lawful Use for the siting of a static caravan for agricultural purposes. The application has been accompanied by a plan illustrating the position and footprint of the caravan, farm machinery receipts, and personal information confirming why the farming enterprise has not been expanded over the past year.

On the application forms the applicant states that the static caravan is used to support an agricultural operation, and that it meets DEFERAs requirements in the following ways:-

It provides a suitable area to change and for washing/disinfecting/cleaning clothes, footwear and hands when entering and before leaving the site in order to prevent any animal disease coming in and out such as foot and mouth etc.
It provides, a toilet area;
Shelter and protection from the elements;
A cooking and eating area separate from the animals; and in terms of Animal Husbandry, it caters for the occasions when there is a need to stay on site to check on animals in labour, and thus would then serve as a sleeping area.
It is also stated that the use has begun within the last 10 years.

The following information has been gained from the applicant verbally:-

That the site has been owned for approximately 2 years; the holding extends to 2 acres and that the livestock currently consists of 8 Chickens, 7 Goats, and that some pigs are to arrive within the next week. The applicant also intends to expand the operation into a viable business within the next year.

Consultations:-

Head of Community Services (Drainage) raise no objections
Head of Community Services (Pollution) raise no objections
No objection received from The Director of Environment and Transport (Highways)
One letter has been received from neighbours in support of the application.

At the time of writing the report no comments have been received from the Parish Council

Development Plan Policies:-

None applicable

Appraisal:-

The application site comprises an agricultural unit of approximately 2 acres. The applicant purchased the land roughly two years ago with the intention of developing a small farming enterprise, based on chickens, pigs and goats. During this time a large agricultural building has been approved and erected for the purpose of feed and machinery storage and to provide shelter for livestock, and the land has been subdivided into smaller paddocks. A gravel road has been laid though the site and more recently a large mobile home, has been sited. As mentioned, farm machinery receipts have been submitted with the application to illustrate the applicants' intention to develop the business.

The applicant has claimed the need for a caravan in order to provide ancillary storage and rest facilities in association with his farming enterprise, and has stated that it is a DEFRA requirement to provide such facilities. Whilst it may be reasonable to have a some form of ancillary shelter on site to provide secure and dry storage for medication and similar, and rest facilities for workers, DRFRA requirements have been discussed with the Councils Agricultural Consultant who has confirmed that whilst it may be preferable, there is no statutory requirement to provide such facilities.

Following a site inspection it is apparent that the application proposal is incorporated into a substantial sized mobile home. Whilst an internal inspection was not possible the structure has the appearance of a high quality park home and may include conventional park home facilities such as bedrooms, kitchen and bathroom. Accordingly, whilst the application proposal may be ancillary to an agricultural enterprise, there is a significant risk here that by issuing a certificate that may be for a development that is not truly ancillary in nature.

Notwithstanding this point, as the caravan has been in situ for less than two years, no 10 year continuous use can be confirmed, and thus it does not fulfil the requirements of lawful development as required to sustain a Certificate of Existing Lawful Use.

Based on the information provided, the applicant has failed to demonstrate to the Local Planning Authority that the static caravan is being used for purposes ancillary to any agricultural operations on the land, and in any case, the applicant has failed to demonstrate that the use of the static caravan for agricultural purposes has operated continuously throughout the last ten years prior to the application being submitted. For these reasons the Certificate of Lawful Existing Use will be recommended for refusal.

Reasons :-

1 The application for a Certificate of Lawful Existing use is refused as the applicant has failed to demonstrate to the Local Planning Authority that the static caravan is being used for purposes ancillary to any agricultural operations on the land, and in any case, the applicant has failed to demonstrate that the use of the static caravan for agricultural purposes has operated continuously throughout the last ten years prior to the application being submitted.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Eleanor Shaw Ext 5680