

MEETING:	PLANNING COMMITTEE
DATE:	13 OCTOBER 2010
TITLE OF REPORT:	<p>DMNC/091832/F - CHANGE OF USE OF LAND FOR STATIONING OF CARAVANS TO PROVIDE 1 NO. RESIDENTIAL MOBILE HOME FOR AGRICULTURAL WORKERS EMPLOYED IN FREE RANGE EGG PRODUCTION AT LEDWYCHE FARM, BLEATHWOOD, LITTLE HEREFORD, HEREFORDSHIRE, SY8 4LF</p> <p>For: Mr Willis per Mr Matthew Green, 3a High Street, Much Wenlock, Shropshire, TF13 6AA</p>

Date Received: 30 July 2009

Ward: Upton

Grid Ref: 354956,271221

Expiry Date: 30 March 2010

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 The site lies in open countryside in an area characterised by an undulating landscape and field boundaries demarcated by hedgerows and belts of trees. Accordingly the area is described in the Council's Landscape Character Assessment as one of Principal Timbered Farmlands. It is accessed via a stoned roadway directly off the C1054.
- 1.2 More specifically, the site occupies a raised position within the landscape with the land generally falling to the south and east and levelling north. The farm holding amounts to an area of land slightly in excess of 5 hectares. A group of buildings provide an element of storage for the agricultural use of the land. A single storey brick range has been converted to holiday accommodation and a free range egg production building erected approximately 150 metres to the north-west of the application site.
- 1.3 The application is retrospective in that it seeks to retain one of two mobile homes sited on the land. It is supported by an agricultural appraisal that seeks to demonstrate that there is a need for accommodation on the land to support an emerging free range egg production enterprise.
- 1.4 The appraisal identifies a three year development plan for the business, after which the laying flock will number 5,000. The unit will operate a 60 week cycle and birds will be allowed to graze the land during daylight hours. The need for accommodation on the site is based principally on animal welfare issues, but the appraisal also makes reference to labour intensive nature of the business, particularly a need to collect eggs by hand. This is a conscious decision made by the applicant to minimise energy use, but also as mechanisation would not be cost effective due to the relatively modest scale of the enterprise.

- 1.5 The appraisal goes on to advise that the building is fully automated. Ventilation systems will control temperature between pre-set limits and the building is alarmed for excessively high and low temperature and power failure. Similarly feeding and drinking systems are fully automated, but need to be checked regularly to ensure that they are functioning properly.
- 1.6 The appraisal concludes that there is a functional need for on site accommodation due to animal welfare issues and because the nature of the business requires a worker to be on site for significant periods of the day. There are no other dwellings on the holding and none in the locality which are either available or would meet the functional need of the business (to be in sight and sound of the buildings that are intended to be served).
- 1.7 Further information submitted by the applicant's agent includes a letter from an egg distributor. This confirms that he is willing to take all of the applicant's eggs subject to market price for distribution to approximately 250 retailers and restaurants in Shropshire and Cheshire and surrounding areas.

2. Policies

2.1 Herefordshire Unitary Development Plan

E11	-	Employment in the Countryside
E13	-	Agricultural and forestry development
LA2	-	Landscape character and areas least resilient to change
H7	-	Housing in the countryside outside settlements
H8	-	Agricultural and forestry dwellings and dwellings associated with rural businesses
H11	-	Residential caravans
PPS7	-	Sustainable Development in Rural Areas

3. Planning History

3.1

DCNC2007/3086/F	-	Retention of mobile home to provide agricultural workers accommodation	-	Refused 26/11/07
EN2007/0078/ZZ	-	Enforcement Notice served on 11th July 2007 to require the removal of 2 mobile homes and lorry containers from the land. The Notice was appealed on the basis that the mobile homes were required to provide accommodation in connection with an emerging pig farrowing and free-range egg production enterprise	-	The appeal was dismissed and the Notice upheld on 24/04/08
EN2007/0024/ZZ	-	Breach of Condition Enforcement Notice served on 19/03/07 for the breach of condition 4 of DCNC2001/1502/F – The building converted under the terms of this permission as holiday accommodation being used for residential use by the owner of the land and his family	-	
DCNC2007/0336/F	-	Proposed removal of condition 4 of planning permission DCNC2001/1502/F for use of holiday accommodation as an agricultural dwelling	-	Refused 08/03/07
DCNC2007/0234/S	-	Proposed pig farrowing house	-	Refused 22/02/07 and dismissed on appeal

DCNC2006/3934/S	- Erection of a free range poultry building	- Prior approval not required 05/01/07
DCNC2001/1502/F	- Conversion of farm buildings into 2 holiday houses	- Approved 27/09/01
DCNC1999/1739/O	- Siting of a mobile home to oversee the establishment of a new free-range egg and pig production unit	- Approved 29/09/99

4. Consultation Summary

4.1 Transportation Manager – No objections

4.2 County Land Agent – Accepts that there is an essential need for on site accommodation to oversee a free-range egg production enterprise of the scale capable of being implemented on the land.

5. Representations

5.1 Brimfield & Little Hereford Parish Council – Object to the application as they do not feel that the proposal is justified.

5.2 Six letters of objection have been received from local residents and landowners. In summary the points raised are as follows:

- The poultry building that has been erected is below standard and the land cannot be farmed efficiently.
- The enterprise relies on solar and wind power. The reliance of this is questioned when the enterprise will require a significant power supply.
- The applicant's do not have legal access to their land.
- The use of a mobile home as a permanent residence is not suitable for the area.
- The proposal does not accord with the requirements of PPS7 as it diminishes the character and appearance of the area and does not promote a sustainable pattern of development.
- The site lacks accessibility and will result in additional traffic movements, compromising highway safety.
- The proposal is detrimental to nearby residential amenity.
- The proposal is purely speculative.
- The applicant's have continued to flout planning regulations and ignore the requirements of enforcement notices.

The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The starting point is to assess the proposal against national policy advice in PPS7 where guidance on agricultural and forestry development is set out in Annex A. Paragraph 1 reminds both authorities and applicants that it will often be as convenient and more sustainable for workers to live in nearby towns and villages, or existing dwellings, so as to avoid new and potentially obtrusive development in the countryside. Paragraph 2 states that it is essential to scrutinise applications in order to identify speculative proposals that attempt to abuse the concessions that the planning system makes for new occupational dwellings in the countryside. The policy statement also stresses the importance of establishing that the stated intentions are genuine, that they are reasonably likely to materialise and that they are capable of being sustained for a reasonable period of time. It is also important to establish that the needs of the enterprise require one or more people engaged in it to live nearby. These points

Further information on the subject of this report is available from Mr A Banks on 01432 383085

are also the fundamental basis for the Council's own policy under H8 of the Unitary Development Plan.

- 6.2 In the case of temporary accommodation, the guidance lists five criteria that must be satisfied, and these are as follows:
- There is clear evidence of a firm intention and ability to develop the enterprise
 - There is a functional need
 - That the enterprise has been planned on a sound financial basis
 - That the functional need could not be satisfied by another existing dwelling on the unit or any other existing accommodation in the area which is suitable and available, and;
 - Other normal planning considerations are satisfied
- 6.3 Your Officers understand that the applicant purchased the land in 2003 and subsequently implemented the planning permission for the conversion of the buildings into holiday accommodation (NC2001/1502/F), completing the work himself. It is clear from the planning history outlined above that a number of enforcement issues have arisen during this time, most obviously the unauthorised residential occupation of the land, and latterly the holiday accommodation. However, it is also clear that the applicant has implemented the permissions that have been granted. The poultry building has been completed and it is understood that it has been operating since the early summer of this year. Correspondence submitted on behalf of the applicant from an egg distributor indicates that he has a ready outlet for the eggs that are produced and, in your Officers opinion, this is a clear indication of the applicant's intention and ability to develop the enterprise. The first point is considered to be satisfied.
- 6.4 In dismissing the Enforcement Appeal in 2008, the Inspector expressed the view that it would be desirable for someone to be close to livestock at all times if the development of an egg production unit occurred. His view was based on the 'low technology background' of the enterprise, particularly the applicant's intention to rely on renewable energy sources. He therefore concluded that this would constitute a functional requirement for the purposes of PPS7.
- 6.5 The Inspector's view is endorsed in respect of this current application by the County Land Agent. Originally he had expressed some reservations about the enterprise, particularly the low technological basis of the enterprise, the poor quality and questions about the availability of access to the site and the contractual arrangements that the applicant had made for the sale of eggs.
- 6.6 The last of these points has already been discussed. In respect of the first two, the applicant's agent has provided additional information including trade details of the ventilation system that has been installed in the poultry building, a detailed energy assessment from an independent organisation, and a letter from the applicant's solicitor confirming their right of access to their land.
- 6.7 The County Land Agent is satisfied that the details provided address the points originally raised. He also confirms that the Egg Board are happy with the standard of the building and that there is sufficient land to support the 5,000 birds proposed for the third year of the business plan. He concludes that it will be necessary for someone to live on site due to the combined facts that the enterprise is some distance from a public road and that there are no houses available to buy or rent in the locality. He also makes it clear that the applicant will need to provide detailed, audited accounts should he apply in the future for permanent accommodation on the land.
- 6.8 It is therefore concluded that the functional requirement for accommodation on the land is met, that this need cannot be satisfied elsewhere and that the financial projections submitted on behalf of the applicant are not unreasonable based on the number of birds proposed over a

three year period. The proposal is therefore considered to accord with Policy H8 of the Unitary Development Plan, and with Annex A of PPS7.

- 6.9 It therefore falls to consider any other material planning considerations that might influence the determination of this application, and the primary issue is considered to be that of visual impact.
- 6.10 There can be no doubt that there have been a number of concerns about the appearance of the holding over a considerable period of time. The stationing of lorry backs on the land was addressed by the Enforcement Notice issued in July 2007. These do remain on the land but are being used for agricultural purposes, and as such are considered as chattels for which planning permission is not required. The general appearance of the land is not however, reason to refuse this application, it is simply the appearance and impact of a mobile home that must be assessed.
- 6.11 As stated at the beginning of this report, the application is effectively retrospective as accommodation already exists on the land. It is positioned immediately adjacent to the original range of farm buildings serving the land, including the building which has been converted to holiday accommodation. At the time that the site was visited, two co-joined mobile homes were positioned on the land. They are quite discretely sited and any view of them is seen against the backdrop of the buildings. Their visual impact is considered to be very limited, and not sufficient to warrant the refusal of the application.
- 6.12 The applicant's agent has confirmed that the intention is to retain a mobile home for residential use as defined by the Caravan Sites and Control of Development Act 1960, and the Caravan Site Act 1968. Although they have not been explicit, your Officers have taken their reference to both Acts to mean that it is the intention of the applicant to retain both as a single unit. It is recommended that this is addressed through the imposition of an appropriately worded condition should planning permission be forthcoming.
- 6.12 On balance it does appear that the criteria set out by Policy H8 of the Unitary Development Plan and PPS7 are met and the application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 F22 Temporary permission & reinstatement of land (mobile home/caravan) – 3 years**
- 2 F27 Agricultural occupancy**
- 3 The permission hereby granted is specifically for the siting of two co-joined units as defined by Section 13(1) of the Caravan Site Act 1968.**

Reason: In order to define the terms of this permission and to comply with Policies H8 and H11 of the Herefordshire Unitary Development Plan.

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr A Banks on 01432 383085



Scale 1:4000

This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DMNC/091832/F

SITE ADDRESS : LEDWYCHE FARM, BLEATHWOOD, LITTLE HEREFORD, HEREFORDSHIRE, SY8 4LF

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr A Banks on 01432 383085