

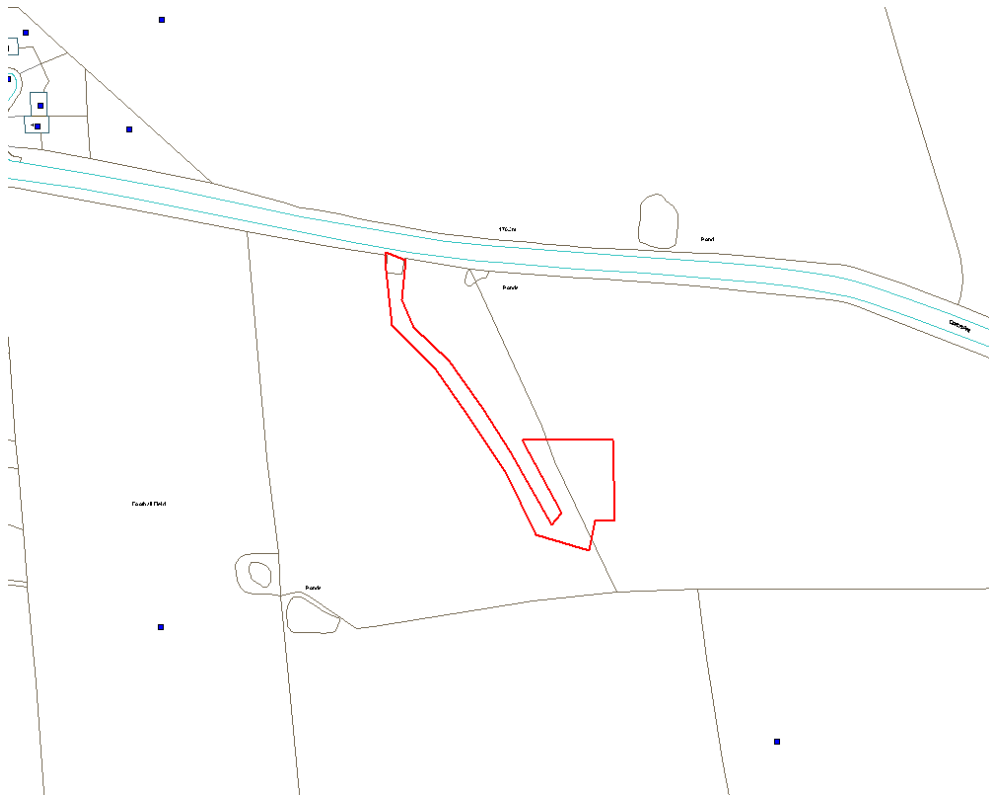
Reference: 11/00657/FUL

Date submitted: 22.08.2011

Applicant: Mr and Mrs A M Stimson

Location: Field nos. 6313 4026 451 and 5725 Oakham Road Somerby (Somerby Equestrian Centre)

Proposal: Permanent residential accommodation to service equestrian facility.



Proposal :-

This application relates to full planning approval for a permanent dwelling to be associated with the running of the Equestrian centre.

The relocation of the equestrian facility complete with stables, indoor and outdoor school, veterinary practice and riding for the disabled took place in 2008. The facility lies in the open countryside outside the village envelope for Somerby fronting Oakham Road. An application for the erection of a mobile home was granted in 2008, meeting the functional need but granting a temporary consent to allow the business to develop so that the financial test could be met.

It is considered that the main issues relating to the proposal are:

- **Policy Considerations relating to residential development in the open countryside**
- **Impact upon the character of the countryside**

The application is presented to Committee due to the level of support received.

Relevant History:-

07/00484/FUL - Erection of equestrian facility incorporating stables, indoor and outdoor school, veterinary practice, riding for the disabled, landscaping, parking and associated facilities. Granted 23rd August 2007

08/00042/FUL - Temporary residential accommodation to service equestrian facility. Granted 18th March 2008 for 3 years requiring removal on the 18th March 2011.

Planning Policies:-

Planning Policy Statement 1 – Delivering Sustainable Development – The guidance says that planning should promote sustainable and inclusive patterns of development. The general theme of PPS1 is that the planning system should contribute to global sustainability by addressing the causes and potential impacts of climate change. PPS1 seeks a reduction in energy use and emissions (specifically citing the encouragement of development which reduces the need to travel by private car), and also says that climate change impacts should be taken into account in the location and design of development. PPS1 requires local authorities to deliver development that is located in areas which reduce the need to travel by car and provide access to all members of the community to jobs, health, housing, education, shops, leisure, and community facilities. PPS1 suggests that the focus for development should be existing centres and discourages any new development which would impact negatively on the environment and actively encourages development which reduces the impacts of climate change.

PPS 4 ‘ Planning for Sustainable Economic Growth’ – sets out the Governments comprehensive policy framework for planning for sustainable economic development in urban and rural areas. To help achieve sustainable economic growth objectives include; delivering more sustainable patterns of development and reducing the need to travel, especially by car, and responding to climate change. At the local level PPS4 requires assessment of the existing and future supply of land available for economic development, ensuring that existing site allocations for economic development are reassessed against the policies in the PPS. It also promotes the most efficient and effective use of land, promoting previously developed land which is suitable for re-use. Development should promote key distribution networks and the delivery of sustainable transport. With regards to rural area, economic development should be strictly controlled and most new development should be located in or on the edge of existing settlements.

PPS7 – Sustainable Development in Rural Areas – paragraph 9 states that “in planning for housing in their rural areas, local planning authorities should apply the policies in PPG3 (now replaced by PPS3). They should: (i) have particular regard to PPG3 guidance on the provision of housing in villages and should make sufficient land available, either within or adjoining existing villages, to meet the needs of local people; and (ii) strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.” Paragraph 10 then goes on to say that “isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in **Annex A** to this PPS.”

Annex A states that there may be instances where special justification exists for new isolated dwellings associated with rural-based enterprises other than agriculture. Local planning authorities should apply the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural workers’ dwellings. They should, therefore, apply the same criteria stated previously, in a manner and to the extent that they are relevant to the nature of the enterprise concerned. It also emphasises that security should not be the sole

justification for a dwelling; the protection of livestock from theft or injury by intruders may contribute to the need for a dwelling but will not be sufficient to justify one.

It states a number of criteria which should be met before new dwellings should be allowed to support existing agricultural activities (and other rural-based enterprises). This states that “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; (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; (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.”

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; 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.

In terms of equine-related activities PPS7 recognises their importance in diversifying rural economies and their compatibility with farming. Policies for supporting equine enterprises should maintain environmental quality and countryside character.

PPG 13 ‘Transport’ - A main objective seeks to reduce the need to travel, especially by car. With regard to rural areas, the guidance makes clear that jobs, shopping, leisure facilities and services are primarily sited at the most accessible locations in the local area.

Draft National Planning Policy Framework - The draft is currently under review having just completed consultation. It seeks to streamline the National Planning Policies by superseding all the existing PPS’s and PPG’s. The content of the NPPF can only be afforded minimal weight given that the proposals for NPPF are at their very earliest stages and there can be no certainty if they will be adopted in the form they take in the consultation document nor when this may take place. However for the purpose of this application there is still an intention to restrict dwellings in the open countryside providing special circumstances exist such as an essential need for a worker to permanently live at; or near their place of work in the countryside.

Melton Local Plan (Saved Policies)

Policy OS2 - Development in the countryside: The site is within the open countryside where Policy OS2 applies. The policy generally presumes against development outside the town and village envelopes except for certain developments that are specified by criteria. In particular, criterion a) presumes against residential development in the countryside unless it is essential to the operational requirements of agriculture and forestry. Criterion b) allows for small-scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

Policy BE1 - Siting and design of buildings: Allows for new buildings subject to the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

Policy C8 - Sets out the circumstances in which consent for a new dwelling in the open countryside would be granted. It permits such use for the purposes of agricultural workers where permanent on-site residence is essential for the operation of the activity, where there is no alternative accommodation available and subject to satisfying criteria relating to access, design and environmental issues

Melton LDF Core Strategy: seeks to protect the countryside and limits development to small scale for employment and leisure purposes and homes essential for agricultural requirements.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – No objections</p>	<p>The proposal would be served from the same access as the equestrian facility. Parking can be provided for the residents, away from the commercial activities of the site to avoid conflict in uses.</p> <p>It is considered that the proposal is acceptable in terms of highway safety.</p>
<p>Somerby Parish Council: If this application is approved then it should be subject to the following conditions or by way of a section 106 agreement.</p> <ul style="list-style-type: none"> • The use of the house should be limited to a person with day to day responsibility for management or operation of the equestrian centre connected to the site and to any other residential dependents – (as per previous temporary permission 08/00042/FUL) • The house be connected to the equestrian centre in perpetuity. i.e the house cannot be sold separately. • The house must not be let to other than an employee of Somerby Equestrian Centre • The appearance of the house should complement those surrounding. • The temporary caravan should be removed from the site. • The use of the storage/office accommodation be controlled by condition and limited to occupancy only in connection with the care of sick animals. • There should be no more than 30 horse housed at the site at any on time – as per planning application 07/00484/FUL 	<p>The proposal is required to be assessed against the provisions of PPS7 Annexe A. The Council needs to be satisfied that there is a clear functional need and that the cost of a new dwelling can be financed by the business to which it will be attached. The information put forward by the applicant clearly demonstrates a functional need, and this was accepted at the time of granting the temporary consent for the mobile home, however it is necessary also to address the financial test.(see below).</p> <p>Should the proposal be successful it would not require a S106 as the dwelling would be subject to an equestrian tie which would restrict occupancy. This can be imposed by means of a condition and would not require a legal agreement.</p> <p>The Council would not seek to restrict expansion of a rural business which would be subject to following the necessary planning approvals.</p>

<p>Ecology:</p> <p>Records held by the Ecology department indicate that the development is just over 100 meters from a known great crested newt pond. Therefore it is recommend that the existing hedgerows remain on the application site boundary and no building works are completed within 5 meters of the hedgerow.</p> <p>Whilst the risk to great crested newts from a pond over 100 meters away is low for this size development, the applicant must be aware that great crested newts do travel up to 500 meters from their breeding pond. It is therefore recommended that the applicant is made aware of the legal protection surrounding newts and stops work immediately and seeks expert advice, should great crested newts be found.</p>	<p>Noted. A condition requiring that the applicants maintain a watching brief will ensure that the necessary controls can be put in place.</p>
<p>Agricultural/Equestrian Consultant:</p> <p>The consultant has assessed the information provided and advises that whilst there is a clear function need there is no financial support for the proposed new equestrian dwelling. The information supplied fails the financial test as set out in PPS7 para. 8 and the Annex A.</p> <p>The proposal could also be conceived as a 2nd dwelling to the overall business that being the riding school at Newbold Lane. In order to satisfy the requirements of PPS7 the applicants should demonstrate that the cost of a 2nd dwelling can be supported from the overall business.</p>	<p>Paragraph 8 of Annex to PPS7 states that new permanent accommodation cannot be justified on agricultural/equestrian grounds unless the enterprise is economically viable. Whilst paragraph 9 states that agricultural/equestrian dwellings should be of a size commensurate with the established functional requirement. The consultant has found that the information supplied with the application fails as the dwelling can not be sustained from the profits from the business and the size of the dwelling at 195 square metres is not commensurate with the size of the functional need for the business.</p> <p>The consultant has recommended that the applicants apply to retain the mobile home for a further 3 years to allow recovery from the economic down turn in order to satisfy the financial requirements of PPS7.</p>

Representations:

A site notice was posted at the entrance of the site. As a result no letters of objection have been received to date. The application has received 14 letters of support for the proposal.

Support	Assessment of Head of Regulatory Services
<p>Security</p> <p>It is necessary to have on site security to protect the site and for the welfare of the horses.</p> <p>Equestrian thefts is on the increase</p>	<p>PPS7 allows special justification for new isolated dwellings associated with rural based enterprises but the same stringent levels of assessment apply to these as to applications for agricultural worker's dwellings. PPS7 specifically states that security, the protection from theft or intruders, is not sufficient justification for a new dwelling.</p> <p>To allow a permanent dwelling on the site the requirements of PPS 7 Annex A must be satisfied. This test relies on there being a proven functional need and requires a financial test to be met. Whilst</p>

<p>Character of the area</p> <p>The dwelling has been designed to be in keeping with the character of the area</p> <p>A permanent dwelling is better than a mobile home which has limited amenity facilities</p> <p>Rural Economy</p> <p>It's good to see a family run business investing in young people wishing to work with horses and have available accommodation.</p> <p>Bringing young people into the village will help other businesses in the village.</p> <p>Having on site security and help will aid the future of the business making it more desirable for full time livery customers</p> <p>The livery service provides employment and provides for spin off business to local businesses</p> <p>The RDA provides opportunities for volunteers from the village</p> <p>Mount Group RDA – Asset to the community</p> <p>The site is well used by less able bodied people of all ages and with the generosity of the owners, who loan horses free of charge, the group is growing.</p> <p>To have a permanent manager living on the site would give peace of mind in providing security of</p>	<p>it is agreed that the function need is justified the financial test has not been met.</p> <p>The dwelling would be sited along the entrance drive to the site replacing the existing mobile home. It would be two storey (7.1 metres) and would have an internal footprint of approx. 1760 sq ft. A single garage would be attached to the dwelling. The scale of the dwelling is significantly larger than a modest worker dwelling. However the design is considered to be acceptable. The size of the dwelling would need to be commensurate with the size of the holding and at present there is no financial support for any size dwelling and therefore the proposal does not comply with policy PPS7.</p> <p>The Council welcomes rural enterprises that can support the Borough's economy but is required to adhere to currently planning policies, unless there is justification to depart from the local plan. In this instance the financial test has not been met and the justification for a new dwelling of this size is not supported. PPS4 supports rural businesses however for the construction of permanent worker dwellings stringent tests apply. In this instance the proposal fails and is not supported by PPS7.</p> <p>Issues relating to security are not on their own reasons for granting approval.</p> <p>Noted.</p> <p>Noted</p> <p>It is clear that there is support for this application from the users of the facility. The applicants have stated that they are keen to carry on and support the RDA however this does impact upon the financial state of the site. In order to support the facility and make it possible to keep going they do this at a reduced cost which has clearly impacted upon the profits to the business. With this in mind the size of the proposal is still excessive and if a manager's house is required this could be at a reduced size.</p>
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<p>the horses and tack which if stolen would have a damaging impact upon the RDA facility.</p>	<p>PPS7 supports agricultural dwellings in the open countryside providing there is a justification for the dwelling on the site. Paragraph 6 of annex A to PPS7 states that the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one.</p> <p>The advice from the consultant is to apply to retain the mobile home for a further three years in order to demonstrate that the cost of building a dwelling can be sustained from the profits to the business. This would require a fresh application requesting the retention of the mobile home as this application relates to the erection of a permanent dwelling.</p>
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy.</p> <p>Policy OS2 carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development.</p>	<p>PPS7 allows a wider acceptance of dwellings in the countryside provided the same tests are met as are set out for agricultural dwellings. These policies require that it should be shown that new dwellings are essential to allow the functioning of the business to which they are related. Careful consideration of the proposal therefore needs to be made to ensure that the proposal is in line with Government Guidance contained within PPS7, and the weight that this should be assigned in determining the application. The dwelling proposed in this application is deemed to have met the functional test but not the financial test.</p>
<p>Impact Upon Residential Amenities:</p>	<p>The site is wholly within the open countryside away from residential dwellings. Due to the location it is considered that there will be no impact upon residential amenities.</p>

Conclusion:

The application for the erection of a dwelling on the site has not been proven to be viable and fails the required test as set out in PPS7 Annex A. For this reason the application can not be supported and is accordingly recommended for refusal. At some point in the future the applicant's current business may be able to provide the required justification for a new dwelling. In circumstances such as this PPS7 provides a route for temporary accommodation to be applied for, to allow time for the business to grow in order to provide justification for on site dwellings whilst there is already a temporary dwelling on site the current economic downturn may be having an impact and retention of the mobile home may be considered acceptable to allow them more time.

RECOMMENDATION:- Refuse

1. The proposal would result in the creation of a new dwelling on a site which stands in open countryside where the evidence submitted fails to demonstrate that the cost of the dwelling can be funded from the business. The proposal is therefore contrary to policies OS2 and C8 of the adopted Melton Local Plan and also the provisions of PPS7: Sustainable Development in Rural Areas which seek to resist new dwellings in open countryside unless essential to meet a long term equestrian need.

Officer to contact:

Mrs Denise Knipe

18th November 2011