

Committee Date: 23 September 2010

Reference: 10/00475/FUL
Date Submitted: 16.06.2010
Applicant: Mr K Sellars
Location: Crowthorne, Landyke Lane, Scalford, LE14 4SY
Proposal: Retention of existing mobile home approved 06/07/2007 ref 07/00584/OUT

Introduction:-

This application seeks to renew planning permission for the erection of a mobile home

The mobile home is situated on this established farm holding within the open countryside to the north of the village of Scalford. The site is located within the farm holding adjacent to the farm buildings.

The proposal is to renew the 'temporary' planning permission for this mobile home that was permitted in order to establish the agricultural enterprise and ultimately, justify a permanent dwelling – see previous application for a dwelling

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

- **Whether there is an agricultural justification for the retention of a temporary dwelling in the open countryside where new dwellings are not normally permitted and in particular,**
- **Whether the 'functional' and 'financial' tests of P.P.S 7 have been met – or are likely to be met in the future.**

The application is presented to the Committee due to the level of local support for the dwelling proposal, considered within this agenda, and because the applications are clearly 'linked'

Relevant History:-

07/00368/CM - Retrospective permission for a roof over composting operations – Approved 17.05.2007

07/00584/OUT - Provision of temporary accommodation for agricultural worker – Approved 06.07.2007

07/00943/REM - Provision of temporary accommodation for agricultural worker – Approved 16.10.2007

09/00203/GDOAGR - Erection of portal framed agricultural building – P.D approved 12.04.2009

09/00464/CM - Retention of caravan for use as an office/washroom in connection with green waste composting operation – Approved 18.08.2009

09/00769/FUL - Portal framed agricultural building for housing cattle – Approved 11.12.2009

10/00476/FUL – erection of agricultural workers dwelling – Under Consideration

Planning Policies:-

PPS1 - Delivering Sustainable Development - planning authorities should promote more efficient use of land through higher density development and suitably located previously developed land and buildings.

PPS7 - Sustainable Development in Rural Areas - Key principle in land use planning is giving priority to the protection of the Countryside and restricting new housing in isolated locations. Agricultural workers dwellings, to meet an essential and proven need, are an exception to policy of restraint. Functional and financial tests need to be demonstrated before dwellings are permitted.

Melton Local Plan (saved policies):

Policy OS2 :- states that planning permission will not be granted for development outside the town and village envelopes except for, amongst other things, development essential to the operational requirements of agriculture and forestry and limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority – No observations	Noted
MBC Housing Policy Officer - , as the proposal is for accommodation to meet the needs of a person working in agriculture, comments on housing need are not applicable.	Noted. The proposal relates to a temporary dwelling specifically for an agricultural worker and it is not therefore appropriate to apply policies relating to general housing supply.
Parish Council – No objection although it should be stipulated that only 1 year should be given.	Noted

Representations:

A site notice was posted , no comments have been received in relation to the mobile home application.

Other material considerations (not raised through consultation of representation)

Considerations	Assessment of Head of Regulatory Services
<p>Whether the mobile home should be renewed in view of the tests of P.P.S 7</p> <p>The site falls within the open countryside beyond the Village Envelope for Scalford, where new dwellings are not normally permitted. An exception to this policy of restraint – both P.P.S 7 and Local Plan Policy OS2, are dwellings to meet the essential needs of agriculture. P.P.S 7 establishes 2 tests for agricultural dwellings – a ‘functional’ test, and a ‘financial’ test.</p> <p>The normal procedure for such dwellings is the provision (as in this case) of a temporary home for a 3 year period, in order to build-up the farming</p>	<p>The agricultural unit has clearly been established for some time, and 3 years ago, (when the mobile home was initially considered), the Council was satisfied that the unit was likely to expand to a level that would justify a permanent dwelling.</p> <p>The ‘expansion’ plans were dependant upon the erection of further buildings and the build-up of the herd, and whilst planning permission for the new livestock buildings have been approved, these have not materialised – and P.P.S7 indicates that the investment in buildings is a good indication of the</p>

<p>enterprise to a level where a permanent dwelling is justified.</p> <p>A temporary 3 year consent was given in order to allow this holding to expand to a level wherein a permanent dwelling would be warranted.</p> <p>Annex A to P.P.S 7 indicates, in relation to temporary dwellings:-</p> <p>(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);</p> <p>(ii) functional need (see paragraph 4 of this Annex);</p> <p>(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;</p> <p>(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</p> <p>(v) other normal planning requirements, e.g. on siting and access, are satisfied.</p> <p><u>The Functional Test</u> A permanent dwelling is only justified if it meets the following aspects of the functional test:-</p> <ul style="list-style-type: none"> • That there is an essential need to live on site - to supervise livestock for example • It should relate to full-time occupation and not part-time • It should have been established for 3 years and been viable for at least one , and likely to remain so in the future • That the need could not be met by another dwelling in the locality and • All other planning considerations such as visual impact on the countryside are met <p>It goes on to state that:-</p> <p>Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling.</p>	<p>applicant's intentions and commitment.</p> <p>In this instance however, the new buildings have not materialised – and whilst it is accepted that the current economic climate is not conducive for such investment – in discussions with the applicant, it was apparent that no indication could be given as to when the new building might be built and when the additional stock would materialise.</p> <p>The assessment of the agricultural enterprise in relation to the above criteria has been undertaken by an agricultural consultant who states that the level of stocking on the holding is similar now, to the levels of 3 years ago when the mobile home was permitted.</p> <p>It is therefore apparent that there has been little progress in expanding the unit to a viable level that warrants a dwelling, and that there is no timetable available for the delivery of such expansion plans.</p> <p>The P.P.S indicates that a temporary dwelling should only be allowed if the Local Planning Authority is satisfied that the unit will ultimately expand to a level that warrants a permanent dwelling, and in this instance, this has not been established.</p> <p>The above report in relation to the dwelling also concludes :-</p> <ul style="list-style-type: none"> • That there is not a functional need for a dwelling on the holding and that the stacking numbers do not relate to a full-time use • That there are other dwellings that can meet any need • That the unit has not been shown to be economically viable, and there is insufficient evidence to suggest that it is likely to become so. <p>From the above, it is apparent that the holding fails both the functional and financial tests and therefore conflicts with the advice contained in P.P.S 7 and as a permanent dwelling that has not been justified by the essential needs of agriculture, then it would not be appropriate to grant planning permission for a temporary dwelling.</p> <p>The development constitutes an isolated dwelling within the countryside and conflicts with Policy OS2.</p>
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Impact on the character of the countryside/design	The proposed mobile home, whilst partially screened by hedging, never-the-less constitutes an alien intrusion in to the countryside, and its design, being 2 temporary structures is not of an appropriate design for the rural area.
Impact on the amenity of neighbours	The proposed mobile home is situated a reasonable distance from the only neighbour (Crowthorne) with a hedge between. Due to the distances involved, no loss of amenity would result for future occupants of the adjacent dwelling.

Conclusion

Whilst the applicants attempts to establish his agricultural enterprise are applauded, it is apparent that there has been little progress in the last 3 years since the permission for the temporary dwelling was first permitted and that the holding does not yet justify a permanent dwelling, as it is not a full-time occupation, it has not been shown to be viable in the longer-term and there are other dwellings available in the vicinity.

The proposal therefore fails the tests contained within P.P.S 7 and can not be supported at this time, as being within the countryside, and not justified in agricultural terms it is an inappropriate form of residential development.

In view of the above the proposal is recommended for refusal.

RECOMMENDATION:- Refusal for the following reasons:-

- 1 The agricultural enterprise to which the proposed temporary dwelling relates is not a viable holding and unlikely to become so, and therefore does not justify the granting of permission for a permanent dwelling as it fails the functional and financial 'test' of P.P.S 7 – Sustainable development in Rural Areas. The proposal for a temporary dwelling for a further period therefore constitutes an isolated dwelling in an unsustainable location within the open countryside contrary to the advice contained in the above guidance.
2. The proposed temporary dwelling has not been justified in agricultural terms and it is situated within an open countryside location where a new dwelling would constitute an alien and intrusive feature that will be harmful to the rural character of the locality. It is an inappropriate form of development that conflicts with the provisions of Policy OS2 of the Adopted Melton Local Plan.

Contact: Mr Rob Forrester

10 September 2010