

Committee Date: 4 November 2010

Reference: 10/00537/OUT
Date Submitted: 15.07.2010
Applicant: Ben Craig
Location: Canal Farm, Langar Lane, Harby
Proposal: New dwelling to replace mobile home.

Introduction:-

This application seeks planning permission for the erection of a dwelling to replace a mobile home that is currently on the site.

The mobile home is situated on this former farm holding within the open countryside to the north of the village of Harby. The site is located adjacent to the farm buildings, and a temporary mobile home. There remains some agricultural use at the site, although the main use of the premises is a now an agricultural museum. The proposal is to erect a 2 storey dwelling of around 150sqm floor in a 'T' format with a conventional eaves/ridge height and extensive landscaping is shown.

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

- **Whether there is an agricultural or other rural business justification for the creation of a residential 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.**

The application is presented to the Committee due to the previous Committee involvement.

Relevant History:-

01/00767/FUL – Erection of buildings for public display of vintage tractors and mobile home – Refused Jan 2002

02/00186 – As above – Approved April 2002

07/00157 – Renewal of consent for Mobile Home – Withdrawn to allow time to provide further information

07/00892/FUL - Renewal of consent for Mobile Home – Approved 25.09.2007 for 3 years as members considered that the tourism benefits of the agricultural museum warranted a presence on-site to expand the business

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 (and other) 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.

Policy BE1:-

- the form, character and appearance of the settlement are not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Melton LDF Core Strategy: seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with provision/contribution of 40% affordable housing from all developments, and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. Not applicable to agricultural/rural business workers dwellings with specific locational needs.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority – No objection, parking and turning should meet current standards	The site is a working farm with its own entrance. And there is adequate scope for on site parking/turning
Parish Council – The Parish Council has no objections to this application as: It does conform to OS2 – agriculture & tourism; The applicant grows straw wheat for thatching	Noted – although PPS 7 establishes tests for assessing the need for such dwellings

Representations:

A site notice was posted but no representations have been received in relation to the application

Other material considerations (not raised through consultation of representation)

Considerations	Assessment of Head of Regulatory Services
Impact on the open countryside	The site falls within the open countryside outside of the village envelope for Harby, where new dwellings are not generally permitted except for the essential needs of agriculture/forestry or other rural businesses – which is discussed below. The site is visible from Langar Lane (particularly the canal bridge to the south of the site), where a

	new, and modern house would constitute an alien intrusion in to the countryside, which would be detrimental to the open rural appearance of the locality.
Design of the dwelling	Setting aside the issue of whether there should be a dwelling in this location and whether it is too large for the agricultural holding (this issue being discussed below), the actual design of the dwelling would not be inappropriate
Impact on Neighbours amenity	There are no neighbours and therefore amenity issues in this respect are not applicable.
<p>Whether the dwelling meets the functional/financial tests of P.P.S 7</p> <p>The site falls within the open countryside beyond the Village Envelope for Harby, where new dwellings are not normally permitted. An exception to this policy of restraint – both PPS 7 and Local Plan Policy OS2,- are dwellings to meet the essential needs of agriculture.</p> <p>PPS 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 enterprise to a level where a permanent dwelling is justified.</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>The agricultural unit has clearly been established for some time, and 3 years ago, (when the mobile home was considered), the Council was satisfied that the unit had potential to expand to a level that would justify a permanent dwelling.</p> <p>There does not appear to be any proposal to expand the enterprise – which is totally arable based – and the main income is derived from the vintage tractor/agricultural museum aspect of the business, which is now well-established</p> <p><u>The functional test</u> The assessment of the mixed agricultural/museum enterprise in relation to the above criteria has been undertaken by an agricultural consultant who states:-</p> <ul style="list-style-type: none"> (i) The holding is cropped, and even when allowing for the use of vintage machinery, using standard man-day figures, the holding is still part-time and fails the functional test. It is considered that the museum/tourism aspect does not add to the functional need as it is not essential for the proper functioning of the museum, for a person to live on site. (ii) The agricultural side of the enterprise is only part-time, although with the museum use, there could be a full-time labour requirement and in this respect, the criteria has been met. (iii) Whilst the holding has been established for the required period, it should be financially viable and sustain the proposed dwelling. The last

<p><u>The Financial Test</u> In addition to the functional test, a financial test must also be passed before a permanent dwelling should be approved.</p> <p>A financial test is to assess whether the holding is financially viable and that the size of dwelling does not exceed that which the agricultural holding can support.</p> <p>PPS 7 states that dwellings the size of the dwelling should be commensurate with the demonstrated functional need and that dwellings which are unduly large in relation to the agricultural needs of the holding, or unduly expensive to construct in relation to the demonstrated income in the long term, should not be permitted.</p>	<p>4 years accounts show that all years have made a profit although insufficient to meet even a basic agricultural wage or the payment of a notional rent, and the holding fails this criteria</p> <p>(iv) When we examine whether the functional need could be met by other accommodation in the area or by conversion of buildings on the site. As there is no functional need, this criteria cannot be met, there are other properties for sale nearby that could be suitable and there is also a barn on the site that could be readily converted – albeit at a cost as stated in the submitted structural report.</p> <p>(v) The dwelling is some distance from the entrance to the site and the museum buildings and will provide little or no security.</p> <p>The development therefore fails several of the ‘functional test requirements.</p> <p><u>The Financial Test</u> The dwelling proposed is a substantial dwelling which exceeds the agricultural ‘need’ (as this has not been substantiated) and it would be expensive to build.</p> <p>The agricultural consultant states that:-</p> <p>(i) The majority of the income is not derived from agriculture, but the museum side of the business</p> <p>(ii) The holding can not sustain the cost of the dwelling proposed</p> <p>The development fails the ‘financial test requirements.</p> <p>From the above, it is apparent that the proposal fails both the functional and financial tests and therefore conflicts with the advice contained in PPS 7 and as a dwelling that has not been justified by the essential needs of agriculture or other rural business, it constitutes an isolated dwelling within the countryside and conflicts with Policy OS2.</p>
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Conclusion

Whilst the applicant's attempts to establish his agricultural and museum business enterprise are applauded, there has been little expansion from the time that the mobile home was approved some 3 years ago, and it is apparent that the holding does not yet justify a permanent dwelling. It does not generate a functional need, the need could be met either by dwellings within the locality, or by conversion of the barn on the site and it is poorly related to other buildings, and it has not been shown to be viable in the longer-term and cannot justify the proposed dwelling which is unduly large/expensive. The proposal therefore fails both the functional/financial tests of PPS 7, and cannot be supported at this time as it is within the countryside is not justified in agricultural or other terms and it is an inappropriate form of residential development. The dwelling is considered to constitute an alien intrusion in the rural countryside that would be harmful to its character, and in the absence of an essential agricultural need, it is contrary to both National and Local Plan policies.

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

RECOMMENDATION:- Refusal for the following reasons:-

- 1 The agricultural/rural business to which the proposed dwelling relates fails both the functional and financial 'tests' of PPS 7. and does not justify the granting of permission for a permanent dwelling. The proposal 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 dwelling has not been justified in agricultural/or other 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

22 October 2010