

WHIMPLE
(Talatón)

06/2892/FUL

Target Date: 19.12.2006

Applicant: Mrs S Lockwood

Location: Lashbrook Farm, Talatón

Proposal: Retention of a temporary agricultural dwelling (caravan)

CONSULTATIONS

County Highway Authority

There are no objections to a temporary agricultural dwelling in this location providing the district council is satisfied as to the need, but given its planning history I would not want to see this become anything more than a temporary agricultural dwelling because of its isolated location.

South West Water

No comment received

Environment Agency

Suggested in formatives recommended regarding surface and foul water disposal.

TOWN/PARISH COUNCIL

Original Plans:

The Parish Council recommends refusal as there is no proven need. It is also noticed that several other retrospective applications are still pending. We would recommend that an independent appraisal would be required as this is a new business of a few months standing.

Following First Agricultural Consultant's Report:

The Parish Council appreciates your prompt response in the form of an independent agricultural appraisal. Whilst offering many facts and figures, many of which are known, the reports also confirms that a small touring caravan is brought on site as and when necessary to accommodate the farm worker during the critical periods of the rearing process. This would seem at odds with the recent siting of a very big mobile home at Lashbrook. The proposal seems to be for the retention of something that did not previously exist.

Other than re-expressing its concern at yet another retrospective application the Parish Council cannot offer further opinion. The totally predictable needs of the venture have been already satisfied and further accommodation is not required.

Amended Plans:

As a Quality Parish and in accordance with our Village Plan the Parish Council totally opposes this application and would point out that:

- The original agricultural appraisal as produced by Derek Roberts in response to the original application is flawed and the question of need still arises
- The question of retention does not apply as no previous mobile home existed on this site as confirmed by local knowledge
- In view of the above the relocation mentioned in this amended application is irrelevant

WARD MEMBER(S)

The initial comments of Councillor Dinnis on the original plans are:

“Fail to see that this is retention of caravan when no such thing has been granted before. So therefore this is a new application. Agricultural need is not proven”

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

No further comment received in response to First Agricultural Consultant’s Report or to Amended Plans.

REPRESENTATIONS

No letters have been received

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
06/2829/FUL	Erection of security fence	Withdrawn	
06/2174/FUL	Alteration of access	Approved	20.03.07
06/1743/FUL	Erection of polytunnel	Approved	24.08.06
06/1327/FUL	Proposed Livestock Building	Refused	17.10.06
06/0984/FUL	Extension to 2 existing agricultural buildings, provision of two additional feed hoppers & relocation of existing hoppers. Underground settlement tank	Approved	12.07.06

PLANNING POLICIES

Government Guidance

Planning Policy Statement 7 Sustainable Development in Rural Areas

Devon Country Structure Plan (2001-2016)

Policy ST5 - Development Priority 2001 to 2016

Policy CO6 - Quality of New Development

East Devon Local Plan (1995-2011)

Policy S5 - Countryside Protection

Policy D1 - Design and Local Distinctiveness

Policy H8 – Dwellings for Persons Employed in Agricultural or Forestry

SITE LOCATION AND DESCRIPTION

Lashbrook Farm is located in the open countryside to the east of Talaton village. The farm consists of a group of modern farm buildings adjacent to and elevated above the highway and the farm unit consists of 21 hectares (52 acres).

PROPOSED DEVELOPMENT

Retention of a temporary agricultural dwelling (caravan)

CONSIDERATIONS AND ASSESSMENT

Site History

Lashbrook Farm was offered for sale in early 2006 in 11 lots of varying sizes and the largest lot (Lot 1) which consisted of approximately 53 acres and a range of modern farm buildings was brought by the applicant in April 2006. No dwelling was offered for sale with any of the lots although the original farm did have the farmhouse and a further agriculturally tied dwelling.

The farming activity currently undertaken is an intensive pig rearing operation managed for the applicant by a team of two agricultural workers. The pigs are reared from 3 – 13 weeks of age in batches of 3,500 under contract to a pig breeding company. The pigs and feed are provided by the company who pays a set fee per pig to the owner who in turn provides the buildings and labour. The pig rearing activity will be the primary activity and small sheep flock is also planned (125 ewes).

Permission was granted in July 2006 (06/0984/FUL) for extensions to two of the buildings, two additional feed hoppers, repositioning of the existing hoppers and the provision of an underground settlement tank and the agricultural appraisal estimates the total expenditure on the site to be around £150,000.

Accuracy of the Proposal

Both the Ward Member and the Parish Council have queried the references made in the application to the retention of the caravan as both submit that no caravan was previously sited on the land and that therefore the application is incorrect to use the term retention.

The application form referred to the retention of a caravan and a photograph of a large caravan/mobile home was submitted by the agent prior to the application being validated. When the case officer visited the site on 8 December 2006 it was noted that there was no caravan on site and the officer was told by the farm manager that a smaller caravan had previously been sited on the land but had been removed because it was in a poor state of repair. On further discussion with the agent, where it was suggested that the term retention was no longer appropriate, the officer was informed that a new caravan/mobile home was going to be brought onto the site within the next few days and prior to the determination of the application. Therefore the view was taken that the use of the term retention was appropriate as by the time the application would be determined there would be a caravan/mobile home on the site which the applicant would be seeking to retain to serve as a temporary agricultural workers dwelling. A letter from the Parish Council dated 7 December 2006 refers to the recent siting of a large mobile home and this was observed on site by the case officer on 14 February 2007.

Therefore, although the caravan to which the application relates was not on site when the application was submitted, there is a caravan on site which is currently unauthorised and it is not unacceptable for an application seeking to regularise a unauthorised situation to be described as the 'retention of'. The application is seeking to retain this caravan to provide temporary accommodation for an agricultural worker and although permission should have been sought

prior to siting the mobile home on the site this should not prevent the Council from considering the merits of the application.

It must be stressed however that the key issue in this application is not the current status of the caravan but whether there is a proven need for a temporary agricultural workers dwelling on the unit. The Council must be satisfied that this is a genuine and potentially viable farming activity and that there is a real functional need for a full time worker on site and if the Council is not satisfied as to these two points then the fact that a caravan is already on site has no relevance.

Functional and financial need

The application was submitted with an agricultural appraisal produced by Mr Sheamus Machin and this has been assessed by Mr Derek Roberts the Council's Agricultural Consultant. Although Mr Roberts supported the functional and financial need for the unit of accommodation there was some concerns over the conclusions of the agricultural assessment and a second assessment was sought from Mr Martin Turner of the University of Exeter. Mr Turner has also supported the need for the unit of accommodation on the holding.

The agricultural appraisal sets out the daily routine required in weeks 1 – 2 and weeks 3 – 10 of the rearing process, identifying that during the first two weeks the pigs require 24 hour care (inspection/feeding every two hours) but that this reduces to a day time (7am to 9 pm) routine for the remaining eight weeks. The appraisal also identifies that a flock of 125 ewes will be run on the farm which will most likely be lambled in doors and that the daily pig rearing routine does not take account of general maintenance requirements. The work generated by the sheep flock and the daily maintenance/management requirements of the farm will therefore be in addition to the specific care required by the pigs.

The appraisal goes on to assess the activity against the criteria of Annex A of Planning Policy Statement 7 (PPS 7) and concludes that the criteria are satisfied (page 4 – 6 of the Appraisal). In terms of the functional need of the unit this assessment is based on the number of 'labour units' required for the enterprise and the nature of the labour required for the proper functioning of the enterprise. The appraisal also refers to the issue of security on the site as, at the time the appraisal was produced, two thefts had occurred of animals and equipment.

This appraisal was sent to the Council's Agricultural Consultant Mr Roberts for his independent assessment and he submitted a detailed report based on the appraisal and a visit to the farm accompanied by Mr Machin and the farm manager Mr Clarke. The appraisal and supporting documentation was also sent to Mr Turner who has also submitted a detailed report.

Both Mr Roberts and Mr Turner have assessed the farming activity confirming the routine and activity cycle detailed in the agricultural appraisal and have independently assessed the enterprise against the criteria of paragraph 12 Annex A of PPS 7. Mr Roberts and Mr Turner are satisfied that:

- There is clear evidence of a firm intention and ability to develop the enterprise concerned - based on the number of animals already reared on the site and the level of investment in the recent expansion of the buildings
- There is a functional need for a worker to be readily available at most times day and night - based on the 24 hour care required during the first two weeks of the rearing process and the long daily hours required during the remaining rearing period and by the animal welfare aspects of increasing security on the site
- There is clear evidence that the proposed enterprise has been planned on a sound financial basis – based on discussions regarding the income generated by the pig rearing operation (£85,000) with Mr Roberts and by calculations based on the farming system and existing contract together with standard figures for farms of a similar size and type in the region (£80,000) carried out by Mr Turner.

- The functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation in the area – based on the disposal of the land without a dwelling and local knowledge of house prices and the rental market. The point is made that even if rented accommodation were financially viable it would not address the need to have a worker on site to address the security needs of the unit and it would have to be very close to provide a 24 hour presence.

Mr Roberts and Mr Turner both conclude that there is a functional need and that the enterprise is soundly planned and have not requested any further information to support the application.

There is no contrary evidence or information to refute these conclusions and it is clear that this pig rearing activity is labour intensive, particularly in the first two weeks, and that this enterprise therefore requires an on site worker outside of normal working hours which in turn requires on site accommodation. This accommodation cannot realistically be provided by alternative accommodation in the immediate vicinity as house prices in the area are well in excess of what the applicant could reasonable be expected to pay for a contract farm worker and no dwelling was made available with the land and buildings. Although Policy H8 of the East Devon Local Plan refers to recent disposal of dwellings or buildings suitable for conversion counting against need, this disposal was not carried out by the applicant and no option was given to purchase the land with a dwelling. Even if rental accommodation was available and was financially viable it would not be on site and so would not satisfy the need for a full time on site worker.

Although no formal financial information has been submitted at this time, Mr Roberts and Mr Turner have assessed the farming activity and are satisfied that it has the prospect of becoming a viable business and a temporary permission will allow the applicant the opportunity to fully establish this viability. If a renewal of the temporary accommodation or an application for a more permanent dwelling were to be sought in the future the applicant would have to demonstrate that there was a continuing functional need and that the business was financially viable and supporting financial information could be requested at this time. If the business was found to not be viable at the end of the three years or the needs of the farming activity had changed the Council could refuse permission to continue the accommodation.

Siting and design

In design terms a caravan/mobile home is not the most sympathetic form of development for a countryside location but Planning Policy Statement 7 is clear that “if a new dwelling is essential to support a new farming activity ... it should normally be provided by a caravan, a wooden structure which can be easily dismantled or other temporary accommodation” (PPS7 Annex A, Paragraph 12). Therefore, having established the need for a unit of accommodation to support this farming activity, the existing caravan is considered to be a reasonable form of accommodation consistent with national policy advice. There are also no buildings on the site which would be suitable for conversion as the buildings are of modern construction.

In terms of the siting of the caravan, the original plan proposed it in the field to the rear of the farm yard with a hardcore access track being formed in the field from the existing gate but this was not considered to be acceptable. In granting temporary permission for caravans for agricultural workers it is normal practice to choose a site that would be suitable for a more permanent dwelling should this be sought in the future and it was not considered that the field would be a suitable location for future development. The siting of the caravan in the adjoining field, even on a temporary basis, would have spread development out of the defined farm yard onto undeveloped land and if a more permanent dwelling were allowed in this location in the future the character of this part of the site would be significantly changed. Following further discussion with the agent an amended plan was submitted which shows the caravan sited within the existing farm complex and this is considered to be more acceptable as it relates the caravan much more closely with the existing farm buildings and contains the activity on the unit within the defined farm yard.

CONCLUSIONS

Notwithstanding the objections received from the Parish Council and the Ward Member it is considered that the assessment and conclusions of the two Agricultural Consultants are valid. The functional need for a full time worker to support the operation of the unit has been considered and as there is no alternative accommodation available on the site or in close proximity the retention of the existing caravan/mobile home to provide that accommodation is considered reasonable. By granting temporary permission for three years the existing needs of the agricultural unit will be met and the opportunity given for the business to establish itself in accordance with the advice contained in PPS 7.

RECOMMENDATION

APPROVE subject to the following conditions:-

1. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.
(Reason - A dwelling in this open countryside location is justified only by agricultural need and should remain available for this purpose.)
2. The use of the land for the stationing of a caravan hereby permitted shall be discontinued and the caravan permanently removed and the land reinstated to its condition before the use so permitted was commenced, on or before the expiration of three years from the date of this permission.
(Reason: To enable the applicant an opportunity to establish the viability of the farming enterprise and to enable the Local Planning Authority to control the development in the interests of the character and appearance of the area.)
3. Within one month of the date of this permission the caravan hereby permitted shall be sited in accordance with Drawing Number 5735/05 Rev A (Amended Site Layout Plan) received 5 January 2007 from ARA Architects.
Reason – For the avoidance of doubt as to what has been approved and in the interests of the character and appearance of the area.)
4. All clean roof and surface water shall be kept separate from foul drainage.
(Reason: To prevent pollution of the water environment.)

Approved Plans

- Drawing Number 5735/05 - Site Location Plan only - received 13 October 2006
- Drawing Number 5735/05 Rev A - Amended Site Layout Plan - received 5 January 2007
- Photograph of Caravan dated 4 September 2006

Notes to Applicant

No consent is hereby granted or implied for any other development shown on Approved Drawing Number 5735/05 Rev A which may require planning permission. You are advised to check with the Local Planning Authority on the need for permission prior to commencing any additional development.

Reasons for decision

1. The proposal complies with the Devon Structure Plan 2001 -2016, policies ST5 and CO6.
2. The proposal complies with the East Devon Local Plan, Revised Deposit, September 2003, policies ST5, D1 and H8.
3. The proposal does not adversely affect the privacy and/or amenity of neighbouring properties.

List of Background Papers

Application file, consultations and policy documents referred to in the report.