

WHIMPLE
(Whimple) 09/1009/FUL Target Date: 14.07.2009

Applicant: Mr F Michael

Location: Goose Green Farm, Whimple, Devon, EX5 2PR

Proposal: Retention of residential caravan with side extension
(resubmission of 08/2171/FUL)

CONSULTATIONS

County Highway Authority

Standing advice required.

Agricultural Assessment

Concluding comments: (Full report attached)

From all that I have said, it remains my opinion that the 15,000 bird free-range egg-production enterprise at Goose Green Farm could be satisfactorily managed from "any suitable and available" existing property "in the area" of the farm. Notwithstanding the applicants (and his agents) contrary opinion, no evidence has been submitted to show that there are no "suitable and available" existing properties "in the area."

I must leave it to you and your planning committee to consider what relevance the East Strete Farm decision has to this apparently similar proposal at Goose Green Farm.

An earlier agricultural appraisal by a different consultant who was responding to the application at Wood Farm (08/2194/FUL) commented as follows in relation to the enterprise at Goose Green:

"The enterprise at Goose Green Farm is an egg laying enterprise. Egg laying enterprises are very different from Broiler enterprises. Egg laying enterprises deal with adult birds which are more tolerant to changes in temperature and climate. They do not require housing in temperature controlled buildings and as such do not need constant monitoring. When a batch (flock) is brought in it will stay on the farm for the entire length of their egg producing cycle. This means that they will be on site for approximately 10 - 14 months. The main problems associated with poultry welfare come from breakdowns in the temperature controlled environment and also from smothering. Smothering is associated with fresh batches of birds and therefore one the initial introduction of a flock on an egg unit is over the problem does not occur to any great extent".

TOWN/PARISH COUNCIL

No objections.

The Parish Council wishes to support the growth of new business and employment in rural areas. Bio-security is an important issue, particularly as there is an on-going problem with travellers further up Brickyard Lane.

The Parish would prefer more screening rather than just the roadside hedge.

If this ever became a permanent building the Parish would like it to be low-build.

WARD MEMBER(S)

The initial comments of the Ward Member Cllr A Dinnis are -

“Fully support rural works such as this. There is a need to be on site. Screening needed around mobile home, something in keeping with agriculture, i.e Orchard trees”

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.

REPRESENTATIONS

Objections/ Support

No letters have been received from third parties in relation to this application.

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
08/2171/FUL	Retention of residential caravan with side extension	Refused (Delegated decision)	18.12.08
06/2877/AGR	General purpose agricultural building	Approved	04.10.2006

Potentially relevant history of nearby site known as East Strete Farm or Land at Brickyard, Brickyard Road (on opposite side of road) referred to in application supporting statement and Agricultural Appraisal

09/0397/MFUL	Construction of poultry building and new access and siting of temporary agricultural workers dwelling	Approved (Committee decision overturning officer recommendation)	27.05.2009
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PLANNING POLICIES

Government Guidance

PPS7 - Sustainable Development in Rural Areas

Devon Country Structure Plan (2001-2016)

Policy ST1 – Sustainable Development

Policy ST5 – Development Strategy

East Devon Local Plan (1995-2011)

Policy S4 - Countryside Protection

Policy D1 – Design and Local Distinctiveness

Policy H8 – Dwellings for persons employed in Agriculture or Forestry

Policy TA6 – Adequacy of Road Network and Site Access

SITE LOCATION AND DESCRIPTION

The mobile home is stationed in a field immediately adjoining the applicant's poultry farm, and to the north of a new general purpose farm building (approved under file ref: 06/2811/AGR) in the same field which has recently been erected (see photo on supporting statement).

The applicant presently operates the poultry farm within 2 long rectangular sheds that he and his wife have refurbished. It is a free range farm with the sheds together housing a total of 15,000 laying hens with approximately 84,000 eggs being sold each week. The applicant has a contract supplying eggs to a large marketing and processing company in Kent.

The mobile home has a steel surrounding base and has been extended with a metal clad structure, with no foundations – it is supported on timber/bricks, and set to become a lounge for the mobile home. See photographs on attached 08/2171/FUL report.

PROPOSED DEVELOPMENT

Residential caravan with side extension, described above, already in situ. There is no indication in the application regarding the period for retention so officers consider the application requests a permanent permission.

CONSIDERATIONS AND ASSESSMENT

Background

This application is a resubmission of a previously refused scheme (08/2171/FUL), and with the exception of some small differences in the content of the application form (number of bedrooms, number of parking spaces, number of workers) and an increase in the size of the extension attached to the mobile home and the addition of an open-sided log store, the proposal is, in essence, the same. In this case, it is therefore necessary to assess whether the supporting evidence submitted with the application is sufficient to overcome the refusal reasons for the previous application.

The refusal reasons were:

1. The Local Planning Authority is not satisfied by the evidence submitted that the functional needs of the existing poultry enterprise require an on-site presence and that the holdings needs could not be satisfied by an existing dwelling in the area suitable for occupation by the applicant and his family. The proposed mobile home and extension to it would therefore be contrary to Policies H8 (Dwellings for Persons Employed in Agriculture or Forestry) and S5 (Countryside Protection) of the adopted East Devon Local Plan 1995 – 2011 and Policy ST5 (Development Priority 2001 – 2016) of the Devon Structure Plan 2001– 2016 and advice and guidance contained in Planning Policy Statement 7: Sustainable Development in Rural Areas.
2. Without sufficient agricultural justification the proposed mobile home, together with the side extension that has been added to it, represents an unnecessary and inappropriate development in the countryside, contrary to the provisions of Policy S5 (Countryside Protection) of the adopted East Devon Local Plan 1995 – 2011.

In addition to the refusal reasons, careful consideration has been made to the content of the delegated report that gives further background to these refusal reasons. A copy of delegated report 08/2171/FUL is attached for reference.

Agricultural Functional Need

Following the guidance of PPS7, the application hinges on the evidence for a functional need for the proposal. It is noted that the Agricultural Assessment submitted is the same as for the previous application and this was previously assessed by the Council's Agricultural Consultant. However, the current application also includes a supporting letter with appendices which refers to Welfare of Farmed Animals (England) Regulations 2007 and other issues as described by the applicant, giving examples of the need to be present on site, including several specific 'special' circumstances which would otherwise lead to loss of birds or eggs. A supporting letter from SY Veterinary Services has also been submitted under separate cover.

The views of the Council's Agricultural Consultant have been sought in light of this additional information. It is clear from the Agricultural Consultant's report that in spite of this additional information (which he responds to in detail), it remains his opinion that the 15,000 bird free-range egg-production enterprise at Goose Green Farm could be satisfactorily managed from "any suitable and available" existing property "in the area" of the farm. He also considers that no evidence has been submitted to show that there are no "suitable and available" existing properties "in the area".

An internet search for properties for sale in the area has revealed two properties in Aylesbeare (approximately 2 miles by road from the site) for £136k and £146k, and a flat Near Farringdon House (approximately 5 miles by road) for £69k. Although the details of these properties (size etc) and travel time from the farm has not been assessed, their advertisement on a property website suggests that there are suitable and available properties in the area.

It is noted that as part of the previous application (08/2171/FUL), the applicant were requested to submit evidence in response to the concern about availability of accommodation nearby and this was received in his letter of 28th October 2008. Assessment of this evidence and comparisons with analogous cases within the district is detailed in the delegated report (attached for reference) which concludes the functional test in terms of the applicant's need to live on this poultry enterprise, rather than in accommodation away from the site, has not been proven. It follows that the current application has not overcome the previous refusal reasons and the application should be refused accordingly.

Temporary Nature of Proposal

With regards to the extension to the mobile home, the agent was made aware, prior to the submission of the application, that in the view of this Authority's opinion the extension fitted to the side of the caravan is a permanent structure, and therefore, even if they were able to make a satisfactory case for the retention of the temporary residential unit i.e. the caravan, this could not include the extension which is regarded as a permanent structure. In response to this point, it is noted that the letter supporting the application (dated 12.05.09) states that the extension is 'easily dismantle able and of a temporary nature only'. As such, it is considered that the extension could be considered to comply with the advice of PPS7, and this aspect does not warrant a reason for refusal in this case.

Highway Issues

The proposed vehicular access for the mobile home is to share the agricultural access and the Highways Authority has not objected to this.

Impact on Landscape

The mobile home is close to and therefore seen in context with the existing agricultural buildings and as such the impact on the landscape is minimal. A letter from the agent dated 04.06.09 emphasises that the applicant would be happy to comply with landscaping conditions if the planning authority considered this necessary.

Other Material Considerations

The application's supporting information makes reference to a similar proposal on a nearby site – known as East Strete Farm, application 09/0397/MFUL. It is noted that this application was determined at Development Control Committee. The decision to approve that application (contrary to officer recommendation) is not considered to set a precedent for other similar applications. However, the presence of this recent application is considered to warrant the current application to be considered at Development Control Committee. It is noted that the Agricultural Consultant has also made reference to the East Strete Farm application.

CONCLUSIONS

The functional test in terms of the applicant's need to live on this poultry enterprise, rather than in accommodation away from the site, has not been proven and therefore the current application has not overcome the refusal reasons of the previous application. It is therefore recommended to refuse the current application for the same reasons. Members are advised that any agricultural tie imposed which runs contrary to the expert opinion of an agricultural assessment (in this case two different assessors) does run the risk of being removed at a later date as such an occupancy condition was not considered essential. The mobile home would then constitute an unencumbered dwelling in the countryside.

RECOMMENDATION

REFUSE for the following reason(s)

1. The Local Planning Authority is not satisfied by the evidence submitted that the functional needs of the existing poultry enterprise require an on-site presence and that the holdings needs could not be satisfied by an existing dwelling in the area suitable for occupation by the applicant and his family. The proposed mobile home and extension to it would therefore be contrary to Policies H8 (Dwellings for Persons Employed in Agriculture or Forestry) and S5 (Countryside Protection) of the adopted East Devon Local Plan 1995 - 2011 and Policy ST5 (Development Priority 2001 - 2016) of the Devon Structure Plan 2001- 2016 and advice and guidance contained in Planning Policy Statement 7: Sustainable Development in Rural Areas.
2. Without sufficient agricultural justification the proposed mobile home, together with the side extension that has been added to it, represents an unnecessary and inappropriate development in the countryside, contrary to the provisions of Policy S5 (Countryside Protection) of the adopted East Devon Local Plan 1995 - 2011.

FURTHER RECOMMENDATION

That the Head of Legal and Member Services be given delegated powers to take enforcement action to secure the removal of the mobile home and its associated extension from the site.

Compliance period: 6 months

List of Background Papers

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