

Committee Date:
09.03.2010

OTTERHEAD
(Cotleigh)

09/1357/FUL

Target Date: 02.09.2009

Applicant:

A J and G D Bond

Location:

Thorns Farm, Cotleigh

Proposal:

Erection of agricultural workers dwelling

CONSULTATIONS

County Highway Authority
Requires Standing Advice

Agricultural Consultant
Refer to copy of correspondence attached

TOWN/PARISH COUNCIL

Cotleigh Parish Executive Committee examined the site and drawings and the following points were discussed:

In Favour:

- The location is quite remote and therefore the dwelling would not impact on any other.
- Much of the surrounding land is owned by the applicant.
- The traffic impact is unlikely to be affected.

Queries:

- Why when the application is for an agricultural dwelling is the proposal for an executive style dwelling? How does the Housing Dept. manage this sort of contradiction?
- Will there be an agricultural tie imposed?
- Although the site is isolated the 2 adjoining properties are in the local flint building style. The committee were therefore unhappy about the large proportion of render to flint proposed and would like to see the proportion of flint increased to blend in with the locality.

WARD MEMBER(S)

The initial comments of the Ward Member(s) are -

“I support the need for a residence for a calf unit worker, in this case the applicant’s wife, in the interest of welfare/ security/disease management.” (Councillor G. Godbeer in lieu of Councillor D. Key, who has declared a non-pecuniary interest.)

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

No third party representations have been received.

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
04/P1584	Erection of agricultural buildings and siting of mobile home (Full)	Approved	04.01.05
02/P2483	New dwelling and farm buildings (Full)	Refused	04.11.03

PLANNING POLICIES

Government Guidance

PPS 7 – Sustainable Development in Rural Areas

Devon County Structure Plan (2001-2016)

Policy CO3 – Areas of Outstanding Natural Beauty

Policy CO6 – Quality of New Development

Policy ST5 - Development Priority 2001 to 2016

East Devon Local Plan (1995-2011)

Policy D1 – Design and Local Distinctiveness

Policy S5 – Countryside Protection

Policy EN1 – Developments Affecting Areas of Outstanding Natural Beauty

Policy H8 – Dwellings for Persons Employed in Agriculture or Forestry

Supplementary Planning Guidance

None

SITE LOCATION AND DESCRIPTION

Thorns Farm is located on the plateau of the Blackdown Hills within the designated Area of Outstanding Natural Beauty ('AONB') approximately 1 km. to the south of Cotleigh. Access to it is by way of a single vehicle width lane (Southcote Lane) that extends east from a Class 3 road that connects Cotleigh with the A35 Trunk road around 1.5 km. to the south.

The farm comprises a group of three agricultural buildings (two cattle sheds and a hay/store barn) positioned adjacent to the junction of an unmade track with Southcote Lane at the entrance to the farm. At the end of the track on slightly lower ground, around 100 metres to the south of the farm buildings, is a now unauthorised mobile home positioned adjacent to the remains of a former farm dwelling.

The farm extends to around 82 acres in area.

PLANNING BACKGROUND

The farm is in the same ownership as Aplins Farm, a long-established dairying enterprise located adjacent to the A30 Trunk road around 1 km. to the north east of Monkton and approximately 4 km. to the north west of Thorns Farm.

The applicants currently occupy the farmhouse at Aplins Farm. Their son, who is a full time worker on the farm, and his wife occupy Valley View, a bungalow located on the opposite side of the A30 from Aplins Farm that is also in the family's ownership. Neither property is the subject of an agricultural occupancy restriction.

Planning permission was granted in 2005 (application 04/P1584 refers) for the construction of the farm buildings at Thorns Farm, in addition to the siting of the mobile home, on the basis of the stated intention at the time to relocate calf-rearing activity from Aplins Farm to Thorns Farm, mainly for reasons of bio-security and in order to overcome problems with the management and time involved in travelling between Aplins Farm and other rented land on which calving cows and calves were being housed.

The planning permission, which succeeded an earlier unsuccessful attempt to secure permission for a permanent dwelling at Thorns Farm (subject of application 02/P2483), was granted on a temporary basis insofar as it related to the stationing of the mobile home with a condition attached requiring it to be removed from the land by the end of 2007.

A copy of the reports attached to these applications, both of which were considered by Committee, is attached.

PROPOSED DEVELOPMENT

Full planning permission is now sought for the construction of a two storey, four bedroom dwelling on the site presently occupied by the mobile home.

The submitted details show what is fundamentally a two storey T- shaped core with a number of attached single storey lean-to elements that are designed to reduce the mass of the building and provide the impression of an 'evolved' rural building. The roof form of the main part of the building would feature a full hip treatment at one end and a gable at the other with a two storey projecting wing attached to the north elevation that would also terminate in a full hip.

The design also seeks to consciously incorporate other themes that are characteristic of a Devon rural building, namely steeply pitched tiled roofs with overhanging eaves extended below first floor level ceilings, natural stone and render walls, simple timber fenestration detail, timber lintels and doors and a brick chimney.

The dwelling would provide around 190 sq. m. of internal floor space and would have a maximum roof ridge height of 8 metres.

A parking and turning area would be provided immediately to the north of the building. The site layout details also indicate a wedge-shaped area of land to the north of this area that would be used for screen planting.

A copy of the submitted site layout, floor plan and elevation details is attached.

CONSIDERATIONS AND ASSESSMENT

The application falls to be considered having regard to the following material issues that are discussed in turn:

Functional Need

The requirement for there to be an existing functional need to justify a permanent dwelling is set out in Annex A to PPS 7 (Sustainable Rural development) ('PPS 7'). It states that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units provided such a need can be demonstrated.

At the present time, although weaned calves are being housed within the farm buildings at Thorns, the calf-rearing operation is continuing to be operated from Aplins Farm.

The reasons as to why this is happening form the main thrust of the applicants' case to justify the need for the proposed permanent dwelling at Thorns, which is summarised as follows:

1. After the mobile home and farm buildings were provided attempts were made to transfer newly born calves to Thorns and to rear them with a stockman, living in the approved mobile home, being responsible alongside Mrs.Bond. However, owing to their being no on-site presence of a rearing specialist, there was an increase in calf mortality. Consequently, upon the instruction of the applicants' vet, the early stage rearing reverted back to Aplins Farm where Mrs.Bond assumed the sole responsibility for caring for the calves during their first few weeks, when they are most vulnerable to disease, having found it untenable to supervise the rearing from the distance of Aplins Farm.

It is argued that calf rearing at Thorns could not function effectively without a specialist individual present and, rather than employ another person to undertake the rearing at unnecessary expense, it makes sense for Mrs.Bond to continue with this task. Since calf rearing could not reasonably be continued at Aplins Farm owing to the biosecurity and other issues that justified the permission for the mobile home in the first place, this could only be achieved through Mrs.Bond moving to Thorns.

However, it would be inequitable for Mr. and Mrs.Bond to live separately with Mr.Bond remaining as the principal dairyman at Aplins Farm. The intention therefore would be for Mr. and Mrs.Bond to move to the proposed dwelling at Thorns, along with their adult daughter and Mrs. Bond's dependent elderly mother, and allow their son to take responsibility of the milking herd at Aplins Farm.

The case in support of the proposal is therefore that these are special but genuine circumstances which, taken together with the animal welfare benefits (supported by the veterinary practice) of properly moving the calf rearing operation to Thorns, amount to material personal conditions that should carry considerable weight in favour of the proposal. Without Mr. and Mrs.Bond being able to live at Thorns, the calf rearing operation would not become established there, leaving it to continue to be undertaken from Aplins Farm under less than satisfactory conditions.

2. The applicants have demonstrated a firm commitment to the establishment of the calf rearing enterprise at Thorns evidenced by the considerable investment made to date in land and buildings. Moreover, it is anticipated that there will be further development in

due course in the form of a significant extension to the existing storage barn to enable the release of the present barn for use for additional calf rearing accommodation.

A report has been prepared which sets out the estimated investment (both to date and projected) in buildings and infrastructure at the site as around £133,000.

It is argued that this adds further weight to the particular circumstances of the case in support of the development.

However these issues need to be balanced against the fact that the calf rearing operation originally proposed, which specifically justified the previous functional requirement for the mobile home, has not taken place over a full three year period following the grant of the temporary planning permission in 2005. The mobile home was only permitted on the understanding that it would lead to the permanent establishment of the calf-rearing unit at Thorns. Whilst the reasons as to why this has not happened are understandable, it remains the case that the unit has not become established. The ongoing housing of older calves previously weaned at Aplins Farm at Thorns would not, in itself, justify a permanent residential presence.

As such, it is considered that there is no functional requirement for a resident worker on the farm at present.

A possible compromise solution in the circumstances could be to allow a further temporary period for the retention of the existing mobile home, which would be capable of accommodating both Mr. and Mrs. Bond, to enable the calf rearing operation to become established. However, this possibility has been dismissed by the applicants and it has been requested that the application be determined as submitted (i.e. a proposed permanent dwelling).

Although it is accepted that a mobile home would not enable the applicants to house their daughter and Mrs. Bond's mother as intended, Annex A to PPS 7 states that the personal requirements of the applicants are irrelevant in considering the functional requirement of the enterprise. Although this point more specifically relates to issues regarding the size of agricultural dwellings, which is considered further below, the principle is applicable to that of the functional test for the need for a permanent dwelling and is thought to add weight to the arguments against the proposed development on this ground.

A copy of two reports prepared by the Council's agricultural consultant, together with the agents' response to the first of these, is attached.

Size of Dwelling

The applicants' case in this respect is that the size of the proposed dwelling at around 190 sq. m. would be justified by the requirement to house four persons. Moreover, it is not thought to be unusually or unreasonably large in terms of the needs of the holding or excessively expensive to construct in relation to the income that the farm would generate.

However, as stated in the previous section of the report, the guidance set out in PPS 7 states that agricultural dwellings should be of a size that is commensurate with the established functional requirement of the agricultural unit and that it is the requirements of the enterprise, as opposed to those of the owner or occupier, that are relevant in

determining the size of dwelling that is appropriate to a particular holding. The question as to whether or not there is a functional requirement for an agricultural dwelling depends upon the needs of the enterprise concerned and not on the personal preferences or circumstances of any individuals involved.

Furthermore, it should be reiterated that the proposed dwelling would be the third within the applicants' control on Aplins/Thorns Farms. As such, it would ordinarily be expected that a subsidiary farm worker's dwelling such as that being proposed, as opposed to the principal farmhouse (which in this case is at Aplins Farm), would be more modest in size and scale.

Taking this into consideration, and notwithstanding the issues set out above in relation to the issue of the functional need, it is considered that the proposed dwelling would be excessive in size in relation to any functional requirement that might exist to justify it.

As such, setting aside the issue of the principle of a permanent dwelling at Thorns based on an assessment of the functional need, it is not considered that there is any justification on agricultural need grounds for a dwelling of the size proposed which appears to be solely in order to accommodate persons that are not connected to the functioning of the proposed calf rearing enterprise.

Other Considerations

There are no objections to the proposal having regard to other material issues such as the financial test related to the principle of the proposed agricultural dwelling, its form, design and materials, highways, access and drainage. Although there are residential properties served by Southcote Lane to the east of the junction of the access track, the development would not have any adverse impact upon the amenities of the occupiers. Furthermore, it is considered that the proposal would be acceptable having regard to its impact upon the landscape character and appearance of the designated AONB.

CONCLUSIONS

Whilst there is no question as to the reasons why it is considered essential to relocate the calf rearing part of the farm enterprise to Thorns or the need for a permanent residential presence in order to be able to operate it in view of the distance of the land from Aplins Farm, the fact remains that this activity has not become established at Thorns. As such, taking into consideration the advice set out in the Annex to PPS 7, it is argued that it would be inappropriate to accept permanent residential accommodation on the site at the present time.

Equally, whilst the circumstances behind the decision to revert the operation back to Aplins Farm and the overall 'catch 22' situation in which the applicants find themselves at present are duly acknowledged, it is not thought that any compelling argument as to why the calf rearing activity could not be managed from the alternative proposition of a temporary form of accommodation for a further period in order to enable the calf rearing to become established at Thorns has been forthcoming. The stated intention to house the applicants' daughter and Mrs. Bond's mother is considered to be unrelated to issues regarding the justification for the proposed dwelling on agricultural grounds and should not be weighed into the balance of considerations that are material to determination of the application.

In view of the request for the proposal to be considered as submitted, coupled with the opinion that there is no agricultural justification for a permanent dwelling at Thorns at this stage and the applicants' unwillingness to consider the possibility of a further temporary permission for the retention of a mobile home on the site as a compromise solution in light of the circumstances, it is considered that the application should be refused.

It is reiterated that the continued siting of the mobile home on the site remains unauthorised and therefore, in the absence of any formal proposal for its retention, the appropriate legal action should be taken to secure its permanent removal. Members are therefore also requested to consider the authorisation of such action.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development is in an area where it is the policy of the Local Planning Authority only to permit development that is necessary in the interests of agriculture. The Local Planning Authority is not satisfied that the agricultural need claimed for this development in the present circumstances is such as to override the strong presumption against new permanent dwellings in the countryside. Moreover, in the event of adequate justification for the development being made it is considered unlikely that the size of the proposed dwelling would be commensurate with any functional need that may reasonably be proven for a dwelling on the site. The proposal would therefore be contrary to the provisions of Policy ST5 (Development Priority 2001 to 2016) of the Devon Structure Plan 2001-2016, Policies S5 (Countryside Protection) and H8 (Dwellings for Persons Employed in Agriculture or Forestry) of the East Devon Local Plan 1995-2011 and the guidance set out in Planning Policy Statement 7 (Sustainable Development in Rural Areas).

Further Recommendation

That the appropriate legal action be instigated to secure the removal of the existing unauthorised mobile home on the site, it being expedient to do so in the interests of settlement policy and the character and appearance of the designated Area of Outstanding Natural Beauty in which the site is located.

Period for compliance: 3 months.

List of Background Papers

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